COASTAL CONSISTENCY CERTIFICATION AND ANALYSIS FOR THE FOOTHILL TRANSPORTATION CORRIDOR - SOUTH (FTC-S)

MARINE CORPS BASE CAMP PENDLETON
CALIFORNIA

Transportation Corridor Agencies
Macie Cleary-Milan
Deputy Director
Environmental Planning
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I. AUTHORITY

The Foothill/Eastern Transportation Corridor Agency (TCA) is submitting this Coastal Consistency Certification in compliance with Section 930.50 *et seq.* of the National Oceanic and Atmospheric Administration Federal Consistency Regulations (Title 15 Code of Federal Regulations Part 930) for that portion of the extension of State Route 241 (SR-241) within the California coastal zone boundary. This project is referred to as the Foothill Transportation Corridor - South, or FTC-S.

II. CERTIFICATION

As required by 15 CFR § 930.57(b), TCA certifies that the proposed portion of FTC-S within the California coastal zone boundary complies with the enforceable policies of California's approved management program and will be conducted in a manner consistent with such program. The Final Subsequent Environmental Impact Report (Final SEIR), as well as identified technical reports included herein, provide the basis for this finding and are incorporated by reference.

III. PROJECT AREAS AND ACTIVITIES SUBJECT TO CONSISTENCY DETERMINATION

The implementing regulations of the Coastal Zone Management Act (CZMA) and the policies of the California Coastal Commission apply to lands within the coastal zone boundaries and to activities conducted outside the coastal zone that may affect lands within the coastal zone. FTC-S includes activities in both categories. This consistency certification evaluates these activities in detail.

A. Standard of Review

Under Section 307(c)(3)(A) of the CZMA, 16 USC Section 1456(c)(3)(A), federally permitted activities that effect any land or water use or natural resource within the coastal zone are required to be consistent with the affected state's coastal management program.

The standard of review for federal consistency determinations is the policies of Chapter 3 of the Coastal Act. If a local coastal program (LCP) that the Coastal Commission has certified and incorporated into the California Coastal Management Program (CCMP) provides development standards that are applicable to the project site, the LCP can provide guidance in applying Chapter 3 policies in light of local circumstances. All

project area within the coastal zone is on land owned by the US Department of the Navy DON) and thus local zoning, including LCPs, do not apply.

B. Project Description

The Foothill/Eastern Transportation Corridor Agency (TCA). The TCA, and its sister agency, the San Joaquin Hills Transportation Corridor Agency, were established by joint powers agreements among the County of Orange and 15 cities in Orange County in 1986, to plan, design, finance, and build regional transportation facilities. The two agencies are governed by separate governing boards, consisting of elected officials from the County and the agency cities. The TCA and the San Joaquin Hills Transportation Corridor Agency are together responsible for the planning, financing, designing, and construction of the 67 mile toll road system. The Foothill/Eastern TCA governing Board is composed of representatives from the Cities of Dana Point, San Clemente, Anaheim, Irvine, Lake Forest, Mission Viejo, Orange, Rancho Santa Margarita, San Juan Capistrano, Santa Ana, Tustin, and Yorba Linda as well as Orange County supervisors representing the Third, Fourth, and Fifth Districts.

51 miles of the toll road system are currently open to traffic, including approximately 20 miles of SR-241. All of the toll roads are public highways and are part of the State Highway System. The California Legislature defined SR-241 as extending "from Route 5 south of San Clemente to Route 91 in the City of Anaheim" (Sts. & Hy Code Section 541). The northern portion of SR 241, from Oso Parkway to SR-91, is open to traffic. FTC-S extends from the existing SR-241 terminus at Oso Parkway to Interstate 5 (I-5) on the US Marine Corps Base (MCB) Camp Pendleton, a segment approximately 16 miles long. FTC-S also includes approximately two miles of ancillary improvements to I-5 where FTC-S connects with I-5.

For ease of reference, a glossary of abbreviations and acronyms is provided in Appendix A of this Consistency Certification and Analysis.

Project Background. Planning efforts for FTC-S have been underway for approximately 20 years by local, regional, and state transportation agencies. In 1981, the County of Orange evaluated alternative general alignments and other alternatives to meet project need and certified Final EIR No. 123. The County of Orange then added FTC-S to the Master Plan of Arterial Highways (MPAH). The Southern California Association of Governments (SCAG) and the San Diego Association of Governments (SANDAG) evaluated alternatives to FTC-S as part of their evaluation of SCAG and SANDAG regional transportation plans.

Between 1989 and 1991, the TCA prepared TCA EIR No. 3, which, in 1991, adopted a locally preferred alternative for the project known as the "CP" alignment. In December 1993, the TCA initiated the preparation of a Subsequent EIR (SEIR) to evaluate the CP Alignment against other alternatives and a No Build Alternative. Subsequent to this effort, the project participated in a process consistent with the NEPA/Section 404 Memorandum of Understanding (MOU). The NEPA/Section 404 MOU provides for

federal resource agency coordination in identifying the project Statement of Purpose and Need, selecting Alternatives for evaluation, and agreement of the Preferred Alternative leading to identification of the Least Environmentally Damaging Practicable Alternative (LEDPA). The federal agencies that participated in this integration process (U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, Federal Highway Administration, Caltrans, and the U.S. Marine Corps) are collectively referred to as the "SOCTIIP Collaborative" and, together, the Collaborative developed the project Alternatives evaluated in the Draft EIS/SEIR.

During the course of Phase I of the SOCTIIP Collaborative process (August 1999-November 2000), the Collaborative developed a list of alternatives for evaluation in the SOCTIIP NEPA and Section 404 process. The Phase I Collaborative identified several Alternatives for evaluation. It was during this time that the Central Corridor-Complete (CC-Alternative, previously referred to as the BX Alternative) and the Far East Alternative (CP Alternative) were evaluated to determine optimal alignments. The TCA/FHWA defined the Alignment 7 Corridor Alternative (A7C Alternative) as an alternative to the CC Alternative to avoid and/or reduce impacts to the significant biological resources in the upper and middle Chiquita areas. The A7C-Alternative represents a shift to the east to move the alignment out of Cañada Chiquita including its primary drainage course and to avoid the wetlands area at the confluence of Cañada Chiquita and San Juan Creek, and at the Segunda Deshecha wetlands complex. Additionally, this shift minimized impacts to sensitive habitat including coastal sage scrub. Similarly, other Alternatives to the CC Alternative were created (i.e., Alignment 7 Corridor Swing Variation (A7C-7SV) Alternative, the Alignment 7 Corridor-Far East Crossover Variation (A7C-FECV) Alternative and the Alignment 7 Corridor Ortega Highway Variation (A7C-OHV) Alternative). The A7C Alternatives and its variations were created as Alternatives to the CC Alternative. See ***Table 1, History of FTC-S Alternatives***.

In November 2000, the SOCTIIP Collaborative concurred on the Alternatives to be evaluated in the technical studies supporting the Draft EIS/SEIR. The Collaborative agreed to 24 Alternatives for evaluation in the technical analysis. These include 20 toll road Alternatives, 2 non-toll road Alternatives and 2 no action Alternatives. During Phase II of the SOCTIIP Collaborative (January 2001-Present), the TCA sought to further refine the alternatives to minimize impacts to sensitive environmental resources as described in the Final SEIR. FTC-S is the adopted alignment described in the Final SEIR.

Table 1, History of FTC-S Alternatives

PHASE I of the SOCTIIP COLLABORATIVE					PHASE II of the SOCTIIP COLLABORATIVE				
EIR No. 123 1981	**EIR No. 3 1989-1991**		**SEIR Prep 1993-1999**		**NEPA/404 MOU Process 1999-2000**		**Draft EIR/EIS 2000-2006**		**FINAL SEIR Preferred Alternative**
	Alternative	***Analysis***	***Alternative***	***Analysis***	***Alternative***	***Analysis***	***Alternative***	***Analysis***	
Conceptual alignment placed on the MPAH	**C Alignment** *Chosen in 1986 to be analyzed in EIR. The southern segment is conceptual and described as anywhere through Cristianitos/San Mateo Valley*	*Refined and Renamed - due to landform, aesthetic, and noise impacts, different variations (C, CW, CX, CY, and CZ) were identified and analyzed. Of these, CW was identified as the least environmentally damaging, and is named the "Modified C Alignment" and later the "CP Alignment."*	**CP Alignment** *Based on the CW alignment analyzed previously.*	*Refined and Renamed – due to PPM, sage scrub, and Sulphur Canyon impacts, the alignment is shifted to the west and renamed the "Far East Corridor Alternative" or FEC. Several variations of the FEC analyzed in the NEPA/404 process.*	**FEC**	Eliminated – has the most extensive biological impacts of all alternatives			**A7C-FEC-M (FTC-S)**
					FEC-TV	Eliminated – severe impacts to jurisdictional waters			
					FEC-CV	Eliminated – military security reasons			
					FEC-AFV	Eliminated – military security reasons			
					FEC-OHV	Eliminated – poor traffic performance, does not meet project need			
					FEC-APV	Eliminated – biological/riparian impacts			
					FEC-W	**Identified for EIR analysis**	**FEC-W**	*Eliminated –open space impacts*	
					FEC-M	**Identified for EIR analysis**	**FEC-M**	*Eliminated – greatest impact on open space, Cristianitos Creek*	
					A7C-FEC-M	**Identified for EIR analysis**	**A7C-FEC-M**	***Preferred: Minimizes impacts to open space, wildlife corridors.***	
	BX Alignment *Northern segment aligned to the west side of Canada Chiquita, connecting with the I-5 within the City of San Clemente*	*Renamed – analyzed in detail within EIR No. 3 and carried forward as the Central Corridor, or "CC" alignment*	**CC Alignment** *Based on the BX alignment analyzed previously.*	*Refined and Renamed – CC Alignment and several variations on the CC Alignment continue to the NEPA/404 scoping process*	**CC**	**Identified for EIR analysis**	**CC**	*Eliminated – requires removal of several hundred homes and businesses*	
					CC-ALPV	**Identified for EIR analysis**	**CC-ALPV**	*Eliminated – 'Short alternative' not connecting to I-5, does not improve traffic conditions*	
	D Alignment *Parallel to and 2.1 km east of the C Alignment, connects to the I-5 near the San Onofre Nuclear Generating Station*	*Eliminated – alignment compromises the military security and mission of the MCB Camp Pendleton*			**CC-OHV**	Eliminated – poor traffic performance, does not meet project need			
					A7C	Eliminated – severe impacts to riparian ecosystems			
	E Alignment *Parallel to Avenida La Pata, connects to I-5 near the San Onofre Nuclear Generating Station*	*Eliminated – alignment compromises the military security and mission of the MCB Camp Pendleton*			**A7C-7SV**	Eliminated – displaces 602 residences and has infeasible project costs			
					A7C-FECV	Eliminated – severe impacts to riparian ecosystems			
	Alternative Route to SR-78 *Alternative to the southern terminus connection, crosses MCB Camp Pendleton*	*Eliminated – alignment compromises the military security and mission of the MCB Camp Pendleton*			**A7C-OHV**	Eliminated – poor traffic performance, does not meet project need			
					A7C-ALPV	**Identified for analysis in EIR**	**A7C-ALPV**	*Eliminated – 'Short alternative' not connecting to I-5, does not improve traffic conditions*	
	Alternative Route to I-15 *Follows the eastern boundary of SOSB and travels east at the County line*	*Eliminated - substantial constraints including topography, wilderness areas, and military security impacts*			**A7C-FECV-C**	Eliminated – military security reasons			
					A7C-FECV-AF	Eliminated – military security reasons			
					A7C-OHV	Eliminated			
Transit Alternative			**All Transit** *Assumes light rail in lieu of general/ HOV lanes*	*Eliminated - Density and land use patterns, both existing and future, make a light rail system infeasible*					
Non-Toll Road Alternative					**I-5 Widening**	**Identified for EIR analysis**	**I-5 Widening**	*Eliminated – requires removal of several hundred homes and businesses*	
					AIO	**Identified for EIR analysis**	**AIO**	*Eliminated – does not meet project need, serious community disruption*	
No Action Alternative					**No Action Alternative OCP-2000**		**No Action Alternative OCP-2000**	*Eliminated – does not meet project purpose and need*	
					No Action Alternative - RMV		**No Action Alternative - RMV**	*Eliminated – does not meet project purpose and need*	

Project Setting. FTC-S traverses MCB Camp Pendleton and intersects the coastal zone boundary at approximately 0.25 mile northeast of and generally parallel to I-5. See ***Figure 1, Regional Setting*** and ***Figure 2, Coastal Zone Boundary.***

Existing land uses in the portion of the project study area that is located within the coastal zone include the existing I-5, MCB Camp Pendleton, major (500kv) transmission lines and towers, and a major access road to the northern portion of Camp Pendleton (Cristianitos Road). There is an existing overcrossing at Basilone Road over I-5.

The proposed project transects the western edge of San Onofre State Beach (SOSB) Park, within park Subunits 1 and 2. SOSB is located entirely on MCB Camp Pendleton, on land leased from the Department of Navy (DON) through 2021. The 1971 agreement of lease between the California Department of Parks and Recreation (CDPR) is specifically subject to the reserved right of the United States to grant additional easements and rights-of-way over the leased property. Thus, in implementing the authority to lease, CDPR has agreed that the United States could grant a right-of-way to a third party on MCB Camp Pendleton.

MCB Camp Pendleton has an Integrated Natural Resource Management Plan (INRMP) that identifies the program policies, goals, objectives, planned actions, and timelines for the implementation of natural resources management on MCB Camp Pendleton. The INRMP serves as a reference document and management tool for the base, relative to the natural resources management programs with ongoing development, review, and implementation by base personnel, the USFWS, and the CDFG.

To the north of MCB Camp Pendleton is the Orange County Southern Subregion of the Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP), a conservation study area of approximately 132,000 acres. The USFWS has determined that the NCCP/HCP will (1) "contribute to the survival and recovery of the California gnatcatcher in the Southern Subregion and contribute [to] its recovery on a rangewide basis", (2) provide for maintaining net habitat value and increasing gnatcatcher populations through restoration actions, and (3) benefit the species over the long-term. A critical aspect of the NCCP/HCP that benefits and contributes to the recovery of the gnatcatcher is the preservation of the Conservation Area which is considered by the USFWS as a key location for the gnatcatcher.

In 1996, TCA purchased a conservation easement for Upper Chiquita Canyon from Rancho Mission Viejo (hereafter referred to as the Conservation Area). The Conservation Area consists of approximately 1,182 acres. Under the initial bank agreement, 327 conservation credits were established for the preservation of existing coastal sage scrub (CSS) habitat within the Conservation Area. These 327 conservation credits were to be used as mitigation for impacts to CSS associated with the future FTC-S. Each conservation credit represents one acre of gnatcatcher occupied CSS habitat value.

Together, INRMP and the NCCP/HCP provide regional continuity to conservation efforts, and enhancements to this regional conservation block of high habitat value.

0 2 4 Miles

0 3 6 Kilometers

Regional Location

Consistency Certification and Analysis for FTC-S | Figure 1

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Coastal Zone Boundary

Consistency Certification and Analysis for FTC-S | Figure 2

(3/21/07) i:\tca430\gis\CZ_CZBoundary.mxd

That portion of FTC-S within the coastal zone includes the proposed SR-241/I-5 connectors, significant water quality treatment improvements, and several national security improvements. The northbound and southbound SR-241/I-5 connectors will consist of two general-purpose lanes in each direction on two bridge structures over San Mateo Creek. See ***Figure 3, Foothill Transportation Corridor – South.*** The project elements within the coastal zone include the following:

Highway Improvements

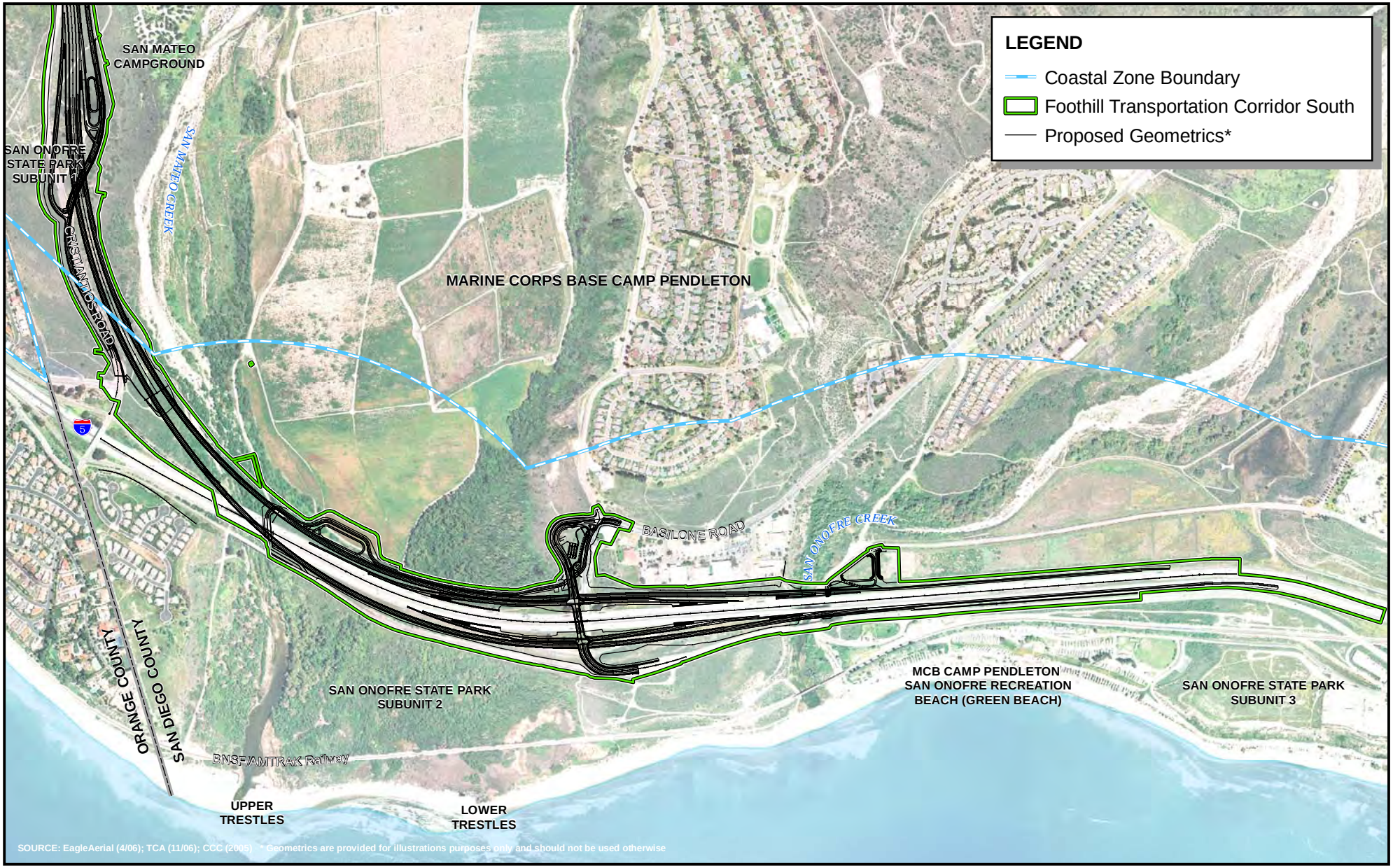
- I-5 connectors to and from FTC-S (one southbound SR-241 to southbound I-5 connector and one northbound I-5 to northbound SR-241 connector), which bridge over San Mateo Creek
- The realignment and reconstruction of the existing I-5/Basilone Road interchange and ramps with no direct connection of SR-241 to Basilone Road
- A minor widening of I-5 south of Basilone Road to accommodate the project connector roads
- A sound wall south of Basilone Road
- The widening of the I-5 bridges over San Onofre Creek
- A sound wall on the south side of I-5
- A sound wall east of the San Mateo Point housing area on MCB Camp Pendleton west of I-5
- Construction of a new public sidewalk along Cristianitos Road
- Reconstruction of a public sidewalk at the Basilone Overcrossing

Water Quality Improvements

- Water quality improvements to approximately two miles of I-5 that currently has no water quality treatment infrastructure, which will capture for treatment an estimated 5 million gallons of storm water each year that currently flows to San Onofre and San Mateo Creeks untreated
- Two on-site extended detention basins (EDBs), one adjacent and tributary to San Mateo Creek (41 acre area = System 1) and the other adjacent and tributary to San Onofre Creek (62 acre area = System 2)
- A bioswale, vegetated with native grasses, for treatment of freeway storm water from SR-241

Military and National Security Improvements

- The reconstruction and replacement of the San Onofre Gate to provide entry to MCB Camp Pendleton, which will include new enhanced security facilities per the Anti-Terrorist Force Protection Program (ATFPP)
- A widened military access road under the southerly end span of the existing San Mateo Creek/I-5 Bridge, allowing improved Marine amphibious access between Green Beach and northern military training areas



0 1,200 2,400 Feet

0 0.4 0.8 Kilometers

Proposed Project

Consistency Certification and Analysis for FTC-S

Figure 3

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Habitat Protections and Restoration Improvements

- Comprehensive Habitat Mitigation and Monitoring Plan (HMMP) to protect, create and/or restore 15.91 acres of wetland habitat within a total of 215.8 acres, in and adjacent to Chiquita Creek, located within the San Juan Creek watershed.
- Restoration of habitat in a managed habitat area (NCCP) immediately adjacent to Camp Pendleton
- Construction of a mouse barrier wall, for protection of Pacific pocket mouse

As the I-5/SR-241 connectors enter the coastal zone from the north, the initial 800 feet will be excavated below the elevation of the existing terrain to establish finished road grade. A section of the northbound connector will be placed on fill behind a retaining wall. The connectors will be on bridge structures over San Mateo Creek.

The southbound bridge structure (southbound FTC-S/SR-241 as it transitions to southbound I-5) will be approximately 3,910 feet long with 14 column supports. At the highest point, where the southbound connector crosses over the I-5, the bottom of the bridge and the road deck will be approximately 28 feet and 11.8 feet above the I-5 grade, respectively. From this high point, the southbound connector decreases in elevation to approximately that of I-5 as it crosses under the reconstructed Basilone Road Overcrossing. The northbound bridge structure (northbound I-5 as it transitions to northbound FTC-S/SR-241) over San Mateo Creek will be approximately 3,860 feet long with 15 column supports. This bridge is not as high as the southbound structure because it stays to the northeast and does not cross over the I-5 travel lanes. The bridge decreases in elevation from a high point of approximately 20 feet above I-5 as it leaves the bluff and crosses over San Mateo Creek. South of San Mateo Creek, the northbound connector is generally at the same elevation of I-5 as it begins to parallel the travel lanes and crosses under the reconstructed Basilone Road Overcrossing.

To accommodate the FTC-S connectors passing underneath the Basilone Overcrossing, the Basilone Road Overcrossing at I-5 will be realigned and reconstructed along with the four Basilone Road ramps to and from I-5, as well as a portion of Basilone Road. Minor cut-and-fill grading and retaining walls will be utilized south of the San Mateo Bridge abutments where the southbound and northbound connector ramps parallel I-5 and pass under Basilone Road to San Onofre Creek.

At San Onofre Creek, the southbound and northbound connectors begin to merge and diverge, respectively, from I-5. The existing I-5 bridges over San Onofre Creek will be widened to accommodate the connectors. Both the merging southbound connector and the diverging northbound connector extend approximately 4,000 feet south of San Onofre Creek.

The construction of the SR-241/I-5 connectors will also include the relocation of existing conflicting utility facilities. All utility relocations will be accomplished within the disturbance limits evaluated in the EIS/SEIR.

IV. CONSISTENCY OF FTC-S PROPOSAL WITH PROVISIONS OF THE CALIFORNIA COASTAL ACT

The following portion of the federal consistency certification analyzes consistency between policy sections of the California Coastal Act (Division 20, California Public Resources Code) and those portions of the FTC-S within the California coastal zone boundary. Each section of the California Coastal Act is followed by comment and analysis. Citations for relevant technical reports and other reference documents are included in the comment and analysis of each policy.

A. Consistency with Coastal Act Article 2 – Public Access

Public Resources Code §30210: *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Summary. FTC-S is consistent with Section **30210** of the Coastal Act requiring maintenance of maximum coastal access and recreational opportunities by improving mobility in the region and facilitating regional access to the coast from both inland areas and from within Orange County. FTC-S will also reduce existing and future congestion on arterial streets, including local roadways in the coastal zone. Public access to recreational resources within the San Onofre State Beach (SOSB) will be protected in place during and after project construction, without interruption to these existing public access ways. No private property is directly affected by the project. Therefore, through the reduction of traffic congestion, enhancement of general regional access, enhancement of general local access and maintenance of existing recreational trails and pedestrian access routes, FTC-S maximizes public access to and along the coast, including access to public recreational resources, while protecting private property rights and public safety.

Comment and Analysis

Maximum access through a reduction in traffic congestion. In reviewing other coastal consistency analyses, Coastal Commission staff has considered traffic congestion to constitute a constraint on public access to the shoreline and related recreational activities.

The purpose of FTC-S is to improve traffic flow and relieve congestion as well as accommodate the increasing need for mobility, access, goods movement and future traffic demands on I-5 and the arterial network in the surrounding area (Final SEIR, Section ES4.2). With construction of the FTC-S, the I-5 freeway in south Orange County, between El Toro Road and the county line, will realize considerable traffic benefits, and deficient segments are reduced to only three segments in the AM and three segments in the PM peak period. Traffic forecasts for the year 2025 indicate that a No Action Alternative to the project will result in 10 deficient segments in the AM and 10

deficient segments in the PM peak hour periods along this segment of I-5 (Final SEIR, Section ES.2.3.4.33). See Final EIS/SEIR Figures 3.4.3 to 3.4.15 for identification of deficiencies on freeway segments, freeway and toll ramps, and intersections for the No Action and various alternatives using differing baseline assumptions.

Alleviating regional congestion. The FTC-S has a regional role in traffic congestion relief and enhancement of regional access generally. The Orange County Transportation Authority (OCTA) has stated that OCTA plans rely on the transportation capacity provided by FTC-S as an important regional facility that helps reduce existing and future congestion on the I-5 in south Orange County. The project is also a major component of the Southern California Association of Governments' (SCAG) and the San Diego Association of Governments' regional transportation plans. Additionally, the OCTA Board of Directors unanimously approved the FTC-S in the baseline of the county's Long Range Transportation Plan (LRTP) on July 24, 2006 (OCTA Letter).

FTC-S will relieve existing traffic congestion and increase regional access to coastal areas from inland areas by completing the connection between SR-91 and I-5, a significant connection from Riverside and San Bernardino counties. Currently, I-5 provides the only practical regional access route to coastal recreational uses in southern Orange County and northern San Diego County. Traffic traveling west on SR-91 from inland areas currently must use SR-55, or toll road SR-241 and SR-133, in order to reach I-5. SR-55 currently experiences high levels of congestion, which is a significant impediment to public access to coastal areas. FTC-S will reduce traffic congestion on SR-55 by providing a more direct route from inland areas to the coast. At the confluence of FTC-S and I-5, a capacity evaluation determined that no weaving or merging areas would degrade the forecasted LOS in this location.

FTC-S will also relieve existing regional traffic congestion along I-5 by providing an alternative route for north-south commerce. I-5 is a major north-south commerce corridor in the state and carries a high proportion of heavy truck traffic. The segment of I-5 in the southern part of the study area carries a considerable amount of truck traffic because I-5 is the only truck route between Orange and San Diego counties. The FTC-S would provide an alternative route for north-south commerce and provide congestion relief on I-5 caused by the high levels of truck traffic.

Alleviating weekend traffic congestion. A review of FTC-S traffic modelling and analysis by local jurisdictions (Cities of Dana Point, Mission Viejo, Rancho Santa Margarita, San Clemente, San Juan Capistrano, and the County of Orange – collectively the "Cinco Cities" group) led to the general conclusion that the results of traffic modeling do not fully reflect the severity of existing taffic congestion on I-5 in the vicinity of the project, especially during peak weekend periods. The Cinco Cities group considers the benefits of FTC-S to be understated because regional changes in traffic levels during weekends, holidays, and summer months are not fully captured by the traffic models adopted by OCTA, which require the use of weekday traffic volumes in analysis. A qualitative weekend traffic analysis included in the project traffic study does indicate that

weekend traffic volumes on I-5 at the Orange and San Diego County line are 30 to 50 percent higher than on weekdays.

A reasonable assumption with respect to future traffic in the FTC-S study area is that the existing weekend versus weekday traffic patterns in southern Orange County and northern San Diego County will continue in the future. The population growth in southern California that is causing the increase in weekday traffic volumes across the Orange County/San Diego County line can be anticipated to cause a similar increase in weekend traffic. The long-range (2025) traffic forecast data discussed earlier indicates that future volumes on I-5 will exceed the peak hour capacity of that facility on weekdays at various locations along I-5. Based on the existing weekend traffic patterns, this means that the demand on I-5 will also reach or exceed capacity on weekends, particularly on the section of I-5 near the Orange/San Diego County line. Weekend traffic congestion poses a significant impediment to public access to coastal recreational areas by coastal users and the alleviation of traffic congestion a significant benefit to coastal recreational users.

Alleviating local and coastal congestion. FTC-S will also facilitate local coastal access by reducing congestion on surrounding arterial streets in the coastal zone. FTC-S produces beneficial effects at local intersections in several jurisdictions, including Orange County, Rancho Santa Margarita, San Clemente, San Juan Capistrano, Mission Viejo, Dana Point, and Laguna Hills (Final SEIR, Table 3.4-5), and will reduce the number of congested city-street intersections by more than 50% during the evening peak hours in 2025. Additionally, local pedestrian access to the coast will be enhanced through the reconstruction of a portion of an existing dirt trail connecting San Mateo Campground to the beach with a new sidewalk.

Enhancing access while maintaining public safety. The construction of an alternative route between Orange and San Diego counties also provides several significant public safety benefits including the provision of an alternate major evacuation route for the San Onofre Nuclear Generating Station (SONGS), an additionally fire evacuation route, and through increasing emergency vehicle access. Currently, I-5 is the major emergency evacuation route for SONGS, and is virtually the only non-signalized evacuation route between SONGS and I-405 to the north. FTC-S would provide an additional evacuation route from I-5, immediately south of San Clemente, to Ortega Highway and to FTC-N, north of Ortega Highway and east of I-5. To the north, SR-241 connects with SR-91 to the east, allowing access to Riverside and Los Angeles Counties, and connects to I-5 and I-405 to the west, providing access to the north and northwest, respectively. FTC-S would have the beneficial effect of increasing the speed at which evacuations could be completed and would provide an alternate route should I-5 become impassable for some reason (Final SEIR, Section ES2.3.4).

Additionally, FTC-S provides a significant evacuation route for residents during wildfires, provides firebreak opportunities, and increases accessibility for emergency vehicles. FTC-S will also provide an additional hospital access route and a reduction in

local emergency response times. See the Consistency Review for Section **30253** for further discussion on the public safety and emergency access benefits of FTC-S.

During construction of the project, public safety of pedestrians using recreational and beach access trails in the vicinity of the project will be protected from construction of the project through temporary access detours and minimal trail closures (Roadway Description and Related Features in the Coastal Zone, Section I.C). However, beach access will always be protected, even during temporary closures.

Enhancing access while protecting private property rights. FTC-S maximizes public access while protecting private property rights. All proposed improvements in the coastal zone will occur on lands owned by MCB Camp Pendleton or within the existing and future Caltrans road rights-of-way. The FTC-S does not use or acquire any private property in the coastal zone and, therefore, fully protects the rights of private property owners.

The Department of the Navy (DON) owns the property within MCB Camp Pendleton that is traversed by FTC-S. San Onofre State Beach (SOSB) is located entirely on lands leased from MCB Camp Pendleton; the State does not own the land. SOSB is operated by the California Department of Parks and Recreation (CDPR), pursuant to a 1971 agreement of lease with the United States that expires in 2021. This lease is specifically subject to the reserved right of the United States to grant additional easements and rights-of-way over the leased property. Thus, in implementing the authority to lease, CDPR agreed that the United States could grant a right-of-way to a third party. Congress has adopted legislation authorizing the DON to grant to the TCA an easement within this portion of MCB Camp Pendleton. Therefore, construction of FTC-S is consistent with the property rights associated with SOSB.

Public Resources Code §30211: *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Summary. FTC-S is consistent with Section **30211** of the Coastal Act requiring preservation of the public's access to the sea, including the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation by preserving existing coastal recreation and beach access trails, and recreational campgrounds both during and after construction of the project. FTC-S does not interfere with the public's use of vicinity beaches in any way. Additionally, as a result of the project, additional public access to the coast will be provided.

Comment and Analysis

Preservation and enhancement of existing recreational and beach access trails. Construction of FTC-S will not impede access to coastal areas via pedestrian and bicycle access routes. An existing trail currently provides access to the beach from upland areas

on the other side of I-5, including the San Mateo Campground. This trail, which along many segments is currently a dirt trail, splits into two routes at a point north of I-5. One trail route crosses below the I-5 at the San Mateo Creek Bridge. The other trail route crosses over the I-5 along the existing Cristianitos overcrossing.

During construction of FTC-S, portions of the trail north of the trail split will be rerouted within the disturbance limits of the project. In this area, portions of the trail, which are now dirt, will be reconstructed with a sidewalk.

The trail route that crosses I-5 via the Cristianitos Overcrossing will remain open throughout construction, so that at no time will pedestrian beach access from the north side of I-5 be discontinued. The trail route that crosses below I-5 at the San Mateo Creek Bridge will be closed on a temporary basis, to accommodate the construction and removal of falsework. Additional periods of closure may also be required during specific construction activities in order to provide pedestrian safety, such as during concrete pours (Focused Summary, Section 2.20). At completion of FTC-S, both routes will remain open for pedestrian access to the beach.

Existing recreational campgrounds. SOSB provides low-cost recreational campsites in its recreational Subunits 1 and 4. A campground within Subunit 1 (San Mateo Campground) is not located within the coastal zone. A campground within Subunit 4 (San Onofre Bluffs) is located within the coastal zone and not impacted by FTC-S. SOSB conducts seasonal closures of the campground within the coastal zone. FTC-S does not impact the continued availability of low-cost recreation in and adjacent to the coastal zone, subject to the terms of the lease agreement and approval of MCB Camp Pendleton.

As described above, SOSB campgrounds are located entirely on MCB Camp Pendleton, on land leased from the Department of Navy (DON) through 2021. The 1971 agreement of lease between the California Department of Parks and Recreation (CDPR) is specifically subject to the reserved right of the United States to grant additional easements and rights-of-way over the leased property. Thus, in implementing the authority to lease, CDPR has agreed that the United States could grant a right-of-way to a third party.

The FTC-S will not fragment or permanently adversely affect access to and from any recreation resources within the coastal zone, including campgrounds. Permanent access to the coast and coastal oriented recreational resources is provided in the design and right-of-way for FTC-S (Focused Summary, Section 2.20).

Public Resources Code §30212(a): *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*

(1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources.

(2) Adequate access exists nearby, or,

(3) Agriculture would be adversely affected.

Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Public Resources Code §30212(b): *For purposes of this section, "new development" does not include:*

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height, or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not seaward of the location of the former structure.

(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

Summary. FTC-S is consistent with Section **30212** of the Coastal Act requiring the maintenance of access from the shoreline to the nearest public roadway by not inhibiting access from Old Pacific Coast Highway (PCH), Cristianitos Road, or Basilone Road to the shoreline in any way. Additionally, FTC-S is consistent with the intent of this policy to meet public safety, military security, and agricultural needs.

Comment and Analysis

Access from nearest public roadways. Old PCH, Cristianitos Road, and Basilone Road are the nearest public roadways to the shoreline in this portion of MCB Camp Pendleton. Construction of FTC-S creates no impediment to the public's right of vehicular and pedestrian access from these roadways to the shoreline. The proposed interchange with I-5, 0.5 mile from the beach, follows the existing Caltrans right-of-way for I-5 and will be

separated from the beach by existing Old PCH. The alignment will bridge over San Mateo Creek, as do the existing I-5 and the railroad tracks. Access to the beach and parking will be maintained in place during construction or temporarily rerouted within the disturbance limit during construction as needed, as required by mitigation measures identified by the Final SEIR, and described in the *Roadway Description and Related Features* Report, Section I.J.

Public safety. Section **30212(a)(1)** requires that new development provide public access from the nearest public roadway to the shoreline unless public access "is inconsistent with public safety." Existing public access routes between the nearest public roadways (I-5 and Old PCH) and the shoreline and along the coast will be protected in place. Protection of this existing access way is not inconsistent with public safety. During construction, temporary road detours or closures may occur, to protect pedestrians and other trail users from the impacts of certain construction processes, such as cement pouring.

Military security. Section **30212(a)(1)** requires that FTC-S provide public access from the nearest public roadway to the shoreline unless public access "is inconsistent with military security needs." Existing public access ways between the nearest public roadway (I-5 and Old Highway 101) will be protected in place. Protection of this existing access way is not inconsistent with military security. The project will enhance military security at Camp Pendleton by rebuilding the I-5/Basilone Road interchange and the northern entrance to the Base to comply with anti-terrorism standards. The existing design of the I-5/Basilone Road interchange is inadequate to handle existing traffic. The existing interchange design does not allow for adequate clearance for the security station at the Base entrance.

Natural resource protection. Section **30212(a)(1)** requires that new development provide public access from the nearest public roadway to the shoreline unless public access "is inconsistent with protection of fragile natural resources." Existing public access way between the nearest public roadway (I-5 and Old PCH) will be protected in place. Protection of this existing access way is not inconsistent with natural resource protection.

Adequate nearby access. Section **30212(a)(2)** requires that new development provide public access between the nearest public roadway and the shoreline unless "adequate access exists nearby." Existing public access way between the nearest public roadway (I-5 and Old PCH) will be protected in place, and not eliminated due to adequate nearby access opportunities.

Agriculture. Section **30212(a)(3)** requires that new development provide public access to the shoreline unless "agriculture would be adversely affected." Agricultural land uses are not present between the nearest public roadway and the shoreline within the project area, and no agricultural land in production is located in the project footprint within the coastal zone.

See Consistency Review for Section **30241** for detailed discussion of the agricultural impacts of FTC-S.

Responsibility for access way. Section **30212(a)** states, "Dedicated access way shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the access way." California Department of Parks and Recreation (CDPR) currently maintains the existing access between the nearest public roadway and the shoreline.

Public Resources Code §30212(c): *Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.*

Not Applicable. This policy is not applicable to consistency review of the FTC-S project.

Section **30212(c)** refers to Sections 66478.1 to 66478.14, inclusive, of the Government Code, which generally pertain to local agency approvals of real estate subdivisions. Section 66478.7 of the Government Code states, "Nothing in this article shall be construed to limit any powers or duties in connection with or affect the operation of beaches or parks in this state or to limit or decrease the authority, powers, or duties of any public agency or entity." Section 66478.11 requires a subdivider to "provide or have available reasonable public access by fee or easement from public highways to land below the ordinary high water mark on any ocean coastline … within or at a reasonable distance from the subdivision."

Section **30212(c)** does not apply to FTC-S since the project is not a real estate subdivision nor does it affect the continued provision of access to the shoreline in existing locations which exist between the project and the shoreline. However, FTC-S complies in spirit with Section **30212(c)** because it would not restrict public access to the shoreline and the authority of public agencies or entities (e.g., California Coastal Commission, California Parks and Recreation, etc.) to review its impact is not excused.

Public Resources Code §30212.5: *Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

Summary. FTC-S is consistent with Section **30212.5** of the Coastal Act requiring the distribution of public facilities so as to mitigate against the impacts of overcrowding or overuse of any single coastal area by increasing regional and local access to a wide range of recreational and coastal resources. Additionally, management techniques to prevent overuse that are currently implemented by CDPR will not be impacted by construction of FTC-S. Additionally, no new parking facilities are provided by FTC-S.

Comment and Analysis

Regional transportation access. The FTC-S is consistent with the policies of avoiding overcrowding or overuse by the public of any single area because it facilitates access to a wide range of recreational areas, both on the coast and inland. The improved regional access to regional recreational resources created by FTC-S would not concentrate usage at any particular facility.

Management techniques to prevent overuse. In light of the policies in the Coastal Act that encourage access to coastal recreational resources for inland residents, restriction of access to coastal resources in order to protect their environmental values is more properly accomplished through techniques limiting the use of each site rather than restriction of regional transportation access to coastal recreational areas. Management techniques, such as controlling the size and location of parking areas, beach curfews, and setting regional priorities and locations for different uses, are more effective and more equitable methods of assuring the sound use and proper availability of coastal recreational sites than attempting to constrain access by limiting the capacity of roadways. These management techniques can help assure a diversity of opportunities in a region, while minimizing spillover and other unintended effects from management actions at a single beach. For example, both SOSB and San Clemente State Beach are operated by the State, and intensity of use is controlled through the finite number of available parking and camping spaces.

Currently, CDPR manages two campgrounds within SOSB, San Mateo Camp ground which is not within the coastal zone, and San Onofre Bluffs Campground, which is in the coastal zone and not impacted by FTC-S. CDPR management operates seasonal closure schedules, and San Onofre Bluffs Campground is often closed as part of CDPRs management program.

Review of park plans. Over use of coastal recreational resources outside of federal land is regulated by the California Coastal Act (CCA). Areas subject to the CCA, including the coastal recreational sites seaward of FTC-S (such as City and County beaches), must comply with the policies of the CCA, including Sections **30212.5** and **30240** protecting sensitive natural resources. Park plans adopted for each recreational area are expected to include park management techniques for regulating public use of recreational areas in the vicinity of FTC-S and will be subject to the review by the Coastal Commission. In addition, SOSB development plans have been and continue to be subject to review by the United States Marine Corps and the CDPR and are subject to the terms of the lease agreement between the DON and the State that expires in 2021. Furthermore, specific park development plans will be subject to the requirements of the California Environmental Quality Act (CEQA) and to specific LCPs approved by the CCC pursuant to the CCA. Thus, FTC-S will not adversely affect the distribution and management of coastal recreation resources.

Public Resources Code §30213: *Lower cost visitor and recreational facilities shall be protected, encouraged and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

Summary. FTC-S is consistent with Section **30213** of the Coastal Act requiring the provision and preservation of lower cost visitor and recreational opportunities by preserving existing free public use recreational and beach access trails both during and after construction, and by avoiding impacts to recreational resources within the coastal zone.

Comment and Analysis

Lower cost facilities. FTC-S traverses SOSB Subunit 1 and Subunit 2. Within the coastal zone, lower cost recreational facilities in these Subunits include biking and hiking trails, and beaches for swimming and surfing. Protection of biking and hiking trails is described above in the Consistency Review for Section **30211.** FTC-S does not impact SOSB Subunits 3 and 4, which also include beach areas and the San Onofre Bluffs campground. The entrance to San Onofre Bluffs campground is more than one mile from the FTC-S disturbance limits.

CPR lease; Reserved right of US to grant easement. The Federal Government owns the property within MCB Camp Pendleton that is traversed by FTC-S. SOSB is located entirely on lands leased from MCB Camp Pendleton; the State does not own the land. SOSB is operated by the State, pursuant to a 1971 agreement of lease with the United States, which expires in 2021. The CDPR lease with the United States is specifically subject to the reserved right of the United States to grant additional easements and rights-of-way over the leased property. It is common for leases to be subject to existing and future easements. (See 7 Miller & Starr, Cal Real Estate (Rev. Ed. 2001); Landlord and Tenant, § 19.1, p. 13.) An easement may be carved out of the leasehold estate. When an easement or right of way is created by a reservation in the original instrument, those interests are those interests expressed in the reservation and those necessarily incident thereto are excluded from the lessee's interest. In implementing the authority to lease, CDPR agreed that the United States could grant a right-of-way to a third party and that any road constructed pursuant to the easement would be excluded from, and superior to, the State Park leasehold. Moreover, Congress has adopted legislation authorizing the DON to grant to the TCA an easement within this portion of MCB Camp Pendleton and has authorized the TCA to design, finance and construct FTC-S within the easement.

FTC-S is accommodated in the lease between the federal government and the State. FTC-S is located at the western edge of the MCB Camp Pendleton in order to minimize impacts to SOSB and to be consistent with the military mission of the Base, which is to "…operate an amphibious training base that promotes the combat readiness of operating forces by providing facilities, services, and support responsive to the needs of Marines, Sailors and their families." (MCB Camp Pendleton Strategic Plan, 2001; and Final SEIR, Military Impacts Technical Report). The Marine Corps has repeatedly articulated its

position that any alignment of FTC-S on Camp Pendleton, other than within the leasehold area, would interfere substantially with the Base's training mission.

Public Resources Code §30214(a): *The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:*

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

Summary. FTC-S is consistent with Section **30214(a)** of the Coastal Act because no new direct public access to open space or other coastal resources, other than the vehicular transportation and related facilities proposed, or public access restriction, other than temporary, is being created by the FTC-S. Additionally, FTC-S is not directly adjacent to private property owners within the coastal zone and therefore does not negatively impact the privacy of property owners. Additionally, litter removal along FTC-S will be controlled through appropriate methods.

Comment and Analysis

Public access to the SOSB is implemented by the CDPR through its Revised General Plan, issued June 1984. The operation of SOSB is the responsibility of the department's Operations Division, headquartered in Sacramento. Field operations (resource management, administration, maintenance, and interpretation) are conducted through the Region 4 office in San Diego and the Camp Pendleton Area Office in San Clemente (SOSB Revised General Plan). The California Coastal Commission's *Public Access Action Plan* (1996), does not identify the project area as a major issue area for public access (Public Access Action Plan, Chapter III).

Within the coastal zone, FTC-S is entirely located on land owned by the DON, and is not adjacent to any private property. Therefore, FTC-S does not negatively impact the privacy of private property owners.

Litter removal along FTC-S is the responsibility of Caltrans. The need for litter removal is anticipated to be determined through periodic inspection. Routine maintenance of

highways includes sediment, trash, and debris removal (California Stormwater BMP Handbook, January 2002).

Public Resources Code §30214(b): *It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section of any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.*

Summary. FTC-S is consistent with Section **30214(b)** of the Coastal Act requiring the balancing of individual property owner's rights with the preservation and enhancement of public access by not requiring the acquisition of any private property in the coastal zone. All proposed improvements in the coastal zone will occur on lands owned by MCB Camp Pendleton or within the existing and future Caltrans road rights-of-way. The alignment of FTC-S was sited subject to the constraints imposed by the national security concerns of MCB Camp Pendleton, which will grant an easement for the project.

Additionally, San Onofre State Beach (SOSB) is located entirely on lands leased from MCB Camp Pendleton; the State does not own the land. SOSB is operated by the California Department of Parks and Recreation (CDPR), pursuant to a 1971 agreement of lease with the United States, which expires in 2021. This lease is specifically subject to the reserved right of the United States to grant additional easements and rights-of-way over the leased property. Thus, in implementing the authority to lease, CDPR agreed that the United States could grant a right-of-way to a third party. Congress has adopted legislation authorizing the DON to grant to the TCA an easement, and authorizing TCA to construct FTC-S within this portion of MCB Camp Pendleton. Therefore, construction of FTC-S is consistent with the property rights associated with SOSB.

Public Resources Code §30214(c): *In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.*

Summary. FTC-S is consistent with Section **30214(c)** of the Coastal Act because it is an innovative way to provide critically needed improved public access and reduce existing regional congestion. FTC-S minimizes costs to the general public by funding its construction through tolls. Additionally, FTC-S does not preclude existing access and recreational management techniques currently implemented by SOSB.

B. Consistency with Coastal Act Article 3 – Recreation

Public Resources Code §30220: *Coastal areas suited for water oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

Summary. FTC-S is consistent with Section **30220** of the Coastal Act requiring the protection of water-oriented recreational activities, which in this area includes surfing and coastal trail activities. No significant permanent adverse effect on coastal surfing resources at Trestles Beach will result from construction of FTC-S.

As noted in the discussion and analysis below, the project is consistent with the requirement of protecting water-oriented recreational activities because it provides continual coastal trail access throughout construction of the project, data shows that the project will not adversely impact the wave characteristics in the Trestles surfing area, sediment transport related mitigation measures have been identified.

See the Consistency Review for Sections **30210**, **30211**, **30213**, and **30214** for further discussion of consistency with goals related to public access, including hiking, bicycling, and other low-cost visitor serving recreational and public access resources.

Comment and Analysis

Coastal recreational setting. Existing recreational resources in the coastal zone include San Onofre State Beach (SOSB), MCB Camp Pendleton's San Onofre Recreation Beach (Green Beach) and its associated military community facility, and recreational trails that connect to upland recreational resources and provide access to the beach and shoreline. SOSB includes the surfing area known as "Trestles" within its SOSB Subunit 2, as described below.

SOSB is managed by the California Department of Parks and Recreation (CDPR), and is located on lands leased from the Federal Government, within the boundaries of MCB Camp Pendleton. No new recreational uses are proposed in the areas within the SOSB that are also within the coastal zone, according to the SOSB General Plan (1984). An 18-hole golf course is depicted in the upland area of SOSB Subunit 1 in the 1984 General Plan. It would be located directly west of the existing San Mateo Campground and primitive camps along hiking trails utilizing the north part of this Subunit extending inland. No implementation plans for these proposed facilities have been pursued.

SOSB is situated along a portion of the Southern California coast that runs west to east, not north to south, (i.e., the beach faces south) and is shaped like a capital L. SOSB is composed of four geographical subunits, termed Subunits 1 through 4. Subunits 3 and 4 are not within the project area of FTC-S (Focused Summary, Section 2.20).

San Onofre Recreation Beach, or "Green Beach", is a regional park for use by military personnel and not open to the public. It lies between Subunit 2 and Subunit 3. The

project has been modified to provide improved military access to Green Beach, for amphibious military training purposes, through the construction of an access road under San Mateo Bridge (Focused Summary, Section 2.20).

Impacts on surfing activities. Surfing is the primary coastal water-oriented recreation activity at SOSB, and no significant permanent adverse effect on coastal surfing resources will result from construction of FTC-S. Trestles, a well-known surfing location in the vicinity of the mouth of San Mateo creek, is characterized by a delta, composed primarily of large cobbles (mean diameter of about 10 inches) in the form of a fan extending seawards from the mouth. San Mateo Creek is an episodic source of sediment that, in addition to alongshore transport, forms sand bars on the cobble delta. The delta determines the shape of the waves. Most of the time, a sand barrier blocks discharge of suspended sediments from San Mateo Creek into the ocean except during relatively large discharge events. When flows in the creek are great enough, the sand barrier is breached temporarily and the creek flow discharges directly to the ocean.

Four main surf breaks are associated with San Mateo Point and the river mouth deposits (Uppers, Lowers, Cottons Point and Churches). They provide a wide range of conditions for surfers to choose from, depending on swell direction, board preferences, and style. The quality of the waves has reportedly remained consistently good over the years.

A number of studies have been prepared to ascertain potential adverse impacts, such as alterations in sediment delivery, regional stream destabilization, and alteration of surfing characteristics that would result from construction of FTC-S and other development in the watershed. For the purposes of this Coastal Consistency Analysis, the following five studies are briefly summarized and discussed below: Sediment Continuity (Transport) Analysis (RBF, 2004); Skelly Review of Sediment Transport Analysis (Skelly, October 5, 2004); Cobble Study (GSI, 3/31/06); and Additional Discussion of Surfing Resources (GSI, 4/5/06). Proposed mitigation measures are addressed separately at the end of this discussion. When evaluated collectively, the ultimate conclusion is that the project will not adversely impact the wave characteristics in the Trestles surfing area. A short description of key points from each of the referenced studies is provided below:

- **Sediment Transport Analysis (RBF, 2004)**. In response to comments received on the EIR analysis on the potential impacts of FTC-S on the quality of the coastal surfing resources, TCA commissioned a sediment transport analysis to evaluate whether there would be an impact to sediment delivery within SOSB Subunit 2 resulting from the proposed project, or a cumulative impact with other planned development (i.e., Rancho Mission Viejo) in the San Mateo Creek watershed. The Sediment Transport Analysis concluded that the supply of sediment from San Mateo Creek would be virtually unchanged in the after-project condition.

  As part of the analysis, qualitative and quantitative sediment transport analyses were performed for the lower San Mateo Creek channel to evaluate the sediment transport capacity and sediment delivery to the beach. The analysis found that

with the project alteration of approximately 0.3% of the San Mateo Creek watershed, only insignificant changes to hydrology and hydraulics of the channel would be present, thus resulting in insignificant changes to sediment transport (Sediment Transport Analysis, Section 6).

The analysis also looked at the potential cumulative impacts of FTC-S and the Rancho Mission Viejo (RMV) project to the lower San Mateo Creek. The analysis found that cumulative impacts would also be insignificant as changes to the channel hydraulics would be insignificant. The with-project conditions increased the 100-year peak discharge by less than 1% and the cumulative/with RMV project conditions decreased the 100-year peak discharge by 2%, with implementation of the mitigation associated with the RMV project (Sediment Transport Analysis, Table 2-1).

- **Skelly Review of Sediment Transport Analysis (Skelly, 2004).** In response to comments received on the EIR that a sediment budget analysis was needed to assess the potential impacts to the beach, the TCA commissioned an independent third-party review ("Skelly Review") of the Sediment Transport Analysis. This review evaluates the role of the San Mateo Creek as a source of sediment to the sediment budget, and compares the projected amount of sediment delivered by the creek with the project, to the amount of sediment moved by alongshore transport processes. The Skelly Review supports the Sediment Transport Analysis conclusion that FTC-S would result in insignificant changes to the amount of sediment delivered by the creek to the shoreline. It also concludes that the surfing resources in the vicinity of the San Mateo Creek are not sensitive to very small changes in sediments delivered either alongshore or from the creek (Skelly, 2004).

  The sediment budget included in the Skelly Review tracks sediment inputs (sources) and outputs (sinks) in a user-defined "cell." According to the Skelly Review, FTC-S will only impact one source of the sediment budget (i.e., the input of sediment to the budget from creek sources). The Skelly Review summarizes the estimates of sediment discharge rates from San Mateo Creek, which varied from 2,240 cubic yards per year to 32,000 cubic yards per year (USACOE LAD 1991 Table 6-1). These figures illustrate how greatly the elements of the budget may vary under differing watershed and climatic conditions.

  According to the Skelly Review, the delta at the mouth of San Mateo Creek, which provides a stability that focuses wave energy, has had numerous shoreline changes. The shoreline position changes are a result of alongshore transport rates on the order of several hundred thousand cubic yards of sand per year. Despite these changes in the shoreline, the quality of the surfing has remained consistently good over the years. Therefore the surf sites are not particularly sensitive to changes in the amount of sediment transported along the shore. Additionally, compared to these alongshore transport rates, the minute quantity change in

sediment delivery caused by FTC-S is orders of magnitude smaller than the transport capacity at the shoreline (Sediment Transport Analysis, Table 2-1).

- **Preliminary Clast (Cobble Fraction) Provenance Study ("Cobble Study") (GSI, 3/31/06).** TCA commissioned the Cobble Study to determine the source of the cobbles on the beach and to determine in what way, if any, FTC-S would affect the transport dynamics of the cobbles. Through field observations, this study found that the cobbles within the active depositional system of the San Mateo watershed are primarily composed of metavolcanic and metasedimentary rock, with lesser amounts of granitic rock. The source of the observed cobbles appears to be the pre-Tertiary-age metavolcanic, metasedimentary, and granitic bedrock underlying the eastern portions of the San Mateo Creek watershed. FTC-S is located west of these areas and does not traverse terrain underlain with materials considered to be a significant source of these cobbles. The Cobble Study concluded that FTC-S would not adversely impact the source or transport of the cobbles to the beach.

While changes in hydrology will result in negligible changes in sediment transport and no impact on cobble transport, mitigation measures are proposed as an additional assurance that surfing resources will not be adversely affected.

Impacts on camping, hiking, and other beach activities. Coastal recreational resources within the project vicinity (primarily SOSB and Green Beach) also provide opportunities for camping, hiking, and other beach activities. FTC-S will result in temporary and permanent adverse impacts some of these recreational resources, including the granting of an easement from the DON over a small portion of the SOSB leasehold area within the coastal zone, noise impacts and temporary closure of one trail route connecting upland recreational resources to the beach.

Temporary adverse construction noise impacts of FTC-S within the coastal zone will occur at SOSB Subunit 2, MCB Camp Pendleton San Onofre Recreation Beach, and SOSB Subunit 3. Noise mitigation measures will prevent permanent adverse noise impacts due to operation of the FTC-S will occur at the MCB Camp Pendleton San Onofre Recreation Beach. Short-term dust and construction emissions may result in temporary adverse air quality impacts on SOSB Subunit 2 (Focused Summary, Section 2.20).

One of two trail routes connecting upland camping resources to the beach will be temporarily closed during construction. However, a second trail route also connecting upland camping resources to the beach will remain open through construction. For a detailed discussion of how these public access trails to the beach will be affected by FTC-S, see the Consistency Review for Sections **30210, 30211, 30213,** and **30214**.

Impacts to recreational resources are summarized in the following table, and described below.

Table 2, Potential Indirect Impacts to Recreation Resources

Resource	Indirect Impacts of the FTC-S
SOSB Subunit 2	Noise: This resource would be subject to temporary pile driving and temporary construction noise impacts from FTC-S, which would be adverse. This resource would not be subject to operational impacts because of the design of FTC-S.
	Air Quality: Considering the proximity of this resource to the centerline of FTC-S, this resource could potentially experience short-term air quality impacts during construction of FTC-S.
	Transportation: Access to this resource is provided by local streets, which will not be adversely impacted during construction and operation of FTC-S. Therefore, FTC-S will not adversely impact access to this recreation resource.
	Visual: FTC-S will result in changes in views from this resource. However, those changes are not adverse because views are not substantially changed from existing conditions.
MCB Camp Pendleton San Onofre Recreation Beach	Noise: This resource would be subject to temporary adverse construction noise impacts from FTC-S.
	Air Quality: Based on the distance of this resource from the centerline of FTC-S and intervening topography, the construction of FTC-S is not anticipated to result in short term adverse air quality impacts on this resource.
	Transportation: Access to this resource is provided by local streets, which will not be adversely impacted during construction and operation of FTC-S. Therefore, FTC-S will not adversely impact access to this recreation resource.
	Visual: FTC-S will result in changes in views from this resource. However, those changes are not adverse because views are not substantially changed from existing conditions.
SOSB Subunit 3	Noise: This resource would be subject to temporary adverse construction noise impacts from FTC-S. This resource would not be subject to adverse pile driving noise impacts.
	Air Quality: Based on the distance of this resource from the centerline of FTC-S, the construction of FTC-S is not anticipated to result in short term adverse air quality impacts on this resource.
	Transportation: Access to this resource is provided by local streets, which will not be adversely impacted during construction and operation of FTC-S. Therefore, FTC-S will not adversely impact access to this recreation resource.
	Visual: FTC-S will result in changes in views from this resource. However, those changes are not adverse because views are not substantially changed from existing conditions.

Source: P&D Consultants (2003); Focused Summary, Section 2.20

Occupancy of Leased Area. All proposed improvements related to FTC-S in the coastal zone will occur on lands owned by MCB Camp Pendleton or within the existing and future Caltrans road rights-of-way. While some improvements may occur in lands currently leased to the SOSB within SOSB Subunits 1 and 2 adjacent to the I-5, the DON owns the property on which SOSB is located. Areas within SOSB that will be occupied by FTC-S are subject to the provisions of the lease agreement between CDPR and the DON, which stipulate that the United States may grant additional easements and rights-of-way over the leased property.

Transportation (Access). Construction of FTC-S will necessitate the temporary closure of one pedestrian access route to the beach, however construction will not impede the availability of coastal access. An existing trail currently provides access to the beach from upland areas on the other side of I-5, including the San Mateo Campground. This trail, which along many segments is currently a dirt trail, splits into two routes at a point north of I-5. One trail route crosses below the I-5 at the San Mateo Creek Bridge. The other trail route crosses over the I-5 along the existing Cristianitos overcrossing. The trail route that crosses I-5 via the Cristianitos Overcrossing will remain open throughout construction, so that at no time will pedestrian beach access from the north side of I-5 be discontinued. The trail route that crosses below I-5 at the San Mateo Creek Bridge will be closed on a temporary basis, to accommodate the construction and removal of falsework. (Focused Summary, Section 2.20). See Consistency Review for Section **30211** for a detailed discussion of public access trails.

Air Quality. During construction of the FTC-S, some short-term dust and construction emissions may result in temporary adverse impacts on SOSB Subunit 1 and SOSB Subunit 2 (Focused Summary, Section 2.20). Section 4.7 of the Final SEIR identifies mitigation measures for this impact. See the Consistency Review for Section **30253** for a discussion of consistency with goals related to air quality. Operation of the FTC-S will not result in substantial adverse long-term local air quality impacts to recreation resources (Focused Summary, Section 2.20).

Visual Resources. Operation of the FTC-S will not result in substantial adverse long-term visual impacts to recreation resources. The FTC-S will result in changes in views from the SOSB Subunit 2. The change in the views from these resources is not adverse because the views from these resources will not be substantially changed or these resources are not considered to be sensitive to changes in the viewshed (Focused Summary, Section 2.20). Visual impacts are discussed in detail within the Consistency Review for Section **30251**.

Noise. FTC-S will generate temporary adverse construction noise impacts on SOSB Subunit 2, MCB Camp Pendleton San Onofre Recreation Beach, and SOSB Subunit 3 (Focused Summary, Section 2.20).

Noise generated by construction equipment, including trucks, graders, bulldozers, concrete mixers and portable generators can reach high levels. Construction noise activities include pile driving, heavy grading, general construction activities, and hauling

of materials. Generally, construction activities will only occur during the daytime hours. However, major bridge construction may occur on a 24-hour basis. Construction noise impacts were predicted for the one sensitive receptor identified within the coastal zone: "Receptor 001" at the MCB Camp Pendleton beach club and campground. At this receptor, existing noise was measured at 65 dBA. Noise levels during the construction of FTC-S are predicted at 70 dBA (Final SEIR, Table 4.6-4). It should be noted that any noise impacts to Receptor 001 from the construction of the project would be only for a limited amount of time.

National Security Improvements. The proposed project refinements at Basilone Road are north of I-5 and do not have any long-term affect on coastal recreation resources. Similarly, the proposed refinements at Green Beach are located in an area of active military use and will not result in additional long-term impacts to coastal recreation resources (Focused Summary, Section 2.20). See the Project Description in Section III. B. for a detailed description of project improvements related to national security. Additionally, see the *Roadway Description and Related Project Features Report*, March 2007.

Mitigation. To minimize the magnitude of the above-identified impacts to recreational activities and resources, the Final SEIR identifies a number of mitigation measures for occupation, noise, air quality, and other impacts. Mitigation measures relevant to recreational resources within the coastal zone are identified in the following table.

Table 3, Applicability of Mitigation Measures by Coastal Recreation Resource

Name of Resource	Mitigation Measures
SOSB Subunit 2	R-1, R-2, R-3 and R-4. N-1, N-2, N-4, N-7, N-8, N-9 and N-10. AQ-1, AQ-2 and AQ-3.
MCB Camp Pendleton San Onofre Recreation Beach	N-1, N-2, N-4, N-7, N-8, N-9 and N-10.
SOSB Subunit 3	N-1, N-2 and N-4.

Source: P&D Consultants (2003); Focused Summary, Section 2.20

Mitigation measures identified in the above table for noise impacts are summarized below. The full text of each mitigation measure requirement is provided in the Final SEIR and in the Focused Summary of Environmental Impacts in the Coastal Zone:

- Local Control of Construction Hours (N 1)
- Construction Equipment (N 2)
- Haul Routes (N 4)
- Final Noise Analysis (N 7)
- Long Term Noise Impacts (N 8)

In addition to the above mitigation measures identified for noise impacts, the following commitments have been made:

- **Commitment NC-1: Determination of Reasonableness.** During final design, the TCA or the implementing agency/agencies shall determine the reasonableness of soundwall/berm placement and consider the life cycle of the sound barrier, the potential environmental impact of the mitigation, opinions of impacted residents, input from the public and local agencies, and social, economic and environmental factors consistent with the FHWA/Caltrans feasibility criteria.

- **Commitment NC-2: Soundwall/Floodplain.** During final design, if the TCA or the implementing agency/agencies locates a soundwall/berm in a floodplain, the TCA or the implementing agency/agencies shall prepare an evaluation of the effects of the soundwall on the floodplain in accordance with appropriate guidelines and design manuals. The design and location will be determined to ensure there is no exceedance of the one-foot elevation of the base floodplain. Early recognition and analysis of potential problem areas will be made to determine if wall openings or staggered wall openings are viable for those barriers.

- **Soundwalls.** Additionally, to mitigate noise impacts to the Camp Pendleton Beach Club and Campground, a 14-foot high sound wall (SW1091/SW-001) will be constructed along the southbound I-5, south of San Onofre Creek, approximately 3,400 feet long. A second sound wall (SW1130/SW-003) on Camp Pendleton will be constructed adjacent to the San Onofre Child Development Center, between northbound I-5 and Basilone Road, and will be approximately 8 feet tall and 800 feet long. The third Section 1 soundwall (SW1181/SW-007)—which is within the coastal zone—will mitigate noise impacts to the Camp Pendleton housing at San Mateo Point. This sound wall will be located along southbound I-5 from Cristianitos Road to San Mateo Creek, and be approximately 16 feet tall and 1,350 feet long.

Mitigation measures identified in the above table for occupation are summarized below. The full text of each mitigation measure requirement is provided in the Final SEIR and in the Focused Summary of Environmental Impacts in the Coastal Zone:

- Avoidance of the Temporary Occupancy and/or Permanent Acquisition of Recreation Resources Property (R 1)
- Consultation with Owners/Operators of Recreation Resources Measure (R 2)
- Direct Permanent Impacts (Property Acquisition) at Recreation Resources (R 3)
- Direct Temporary Impacts (Occupancy of Property During Construction) on Recreation Resources (R 4)

Public Resources Code §30221: *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

Summary. FTC-S is consistent with Section **30221** of the Coastal Act requiring the protection of suitable oceanfront land for public or commercial recreational use and development by not significantly impacting surfing resources as described above, providing for construction of FTC-S consistent with the property rights associated with the SOSB lease agreement with the federal government, not precluding oceanfront land for being used for public or commercial recreational activities, and increasing public access to vicinity recreational uses, as described in the Consistency Review for Sections **30210, 30211, 30213,** and **30214.**

Comment and Analysis

The occupancy of SOSB leasehold area by the FTC-S easement is described above in the Consistency Review for Section **30220.** Occupation areas within SOSB are located entirely on lands leased from MCB Camp Pendleton; the State does not own the land. SOSB is operated by the California Department of Parks and Recreation (CDPR), pursuant to a 1971 agreement of lease with the United States that expires in 2021. This lease is specifically subject to the reserved right of the United States to grant additional easements and rights-of-way over the leased property. Thus, in implementing the authority to lease, CDPR agreed that the United States could grant a right-of-way to a third party. Congress has adopted legislation authorizing the DON to grant to the TCA an easement within this portion of MCB Camp Pendleton. Therefore, construction of FTC-S is consistent with the property rights associated with SOSB.

Public Resources Code §30222: *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

Not Applicable. This policy is not applicable to consistency review of the FTC-S project.

All lands in the coastal zone affected by FTC-S are public lands and visitor-serving commercial recreational facilities are not proposed. The nearest visitor-serving commercial recreational facilities in the coastal zone are provided in the City of San Clemente, to the northwest. The City of San Clemente encourages the private sector to maintain and enhance the existing variety of visitor-serving uses in the coastal zone. Section 304 of San Clemente's General Plan Coastal Element states, "These [visitor-serving] uses will continue to be located throughout the coastal zone, with expansion being concentrated in the three primary coastal activity areas: the Downtown, North Beach, and the Pier Bowl."

Public Resources Code §30222.5: *Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.*

Not Applicable. This policy is not applicable to consistency review of the FTC-S project because aquaculture facilities are not proposed or precluded by this project.

Public Resources Code §30223: *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

Summary. FTC-S is consistent with Section **30223** of the Coastal Act because upland resources within the coastal zone supporting coastal recreational uses such as trails and day use areas will be protected in place, where feasible in regards to public safety. Upland resources include public access trails. While one trail route connecting the San Mateo Campground the beach will be temporarily closed during construction, a second trail route also connecting these resources will be protected in place during construction. See Consistency Review for Section **30210** for detailed discussion of these recreational trails.

Public Resources Code §30224: *Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.*

Not Applicable. This policy is not applicable to consistency review of the FTC-S project because no suitable natural harbors or other safe locations are present within the SOSB for recreational boat launching, berthing, and/or storage.

C. Consistency with Coastal Act Article 3 – Marine Resources

Public Resources Code §30230: *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Summary. FTC-S is consistent with Section **30230** of the Coastal Act requiring the maintenance, enhancement, and restoration of marine resources by significantly improving coastal water quality from existing conditions and not affecting sediment transport in coastal waters. Because of the incorporation of water treatment infrastructure to a segment of I-5 that currently drains untreated storm water runoff from the road into the San Mateo and San Onofre Creeks, FTC-S will enhance the biological productivity of coastal waters.

Comment and Analysis

Improvement of existing water quality. Currently, coastal waters are degraded by untreated runoff from several miles of the I-5 freeway. The receiving waters in the vicinity of FTC-S are San Mateo Creek and San Onofre Creek, which discharge directly into the Pacific Ocean. Currently, roadway drainage from I-5 in this area consists of a series of storm drains and inlets that outlet to longitudinal surface ditches draining directly to San Onofre and San Mateo Creeks without storm water treatment. Along I-5, Basilone Road marks the drainage area boundary between the storm drain system that conveys flow southward to San Onofre Creek and the system that conveys flow northward to San Mateo Creek. Along the existing Cristianitos Road, east of I-5, pavement drainage flows via sheet flow and over side drains to the adjacent hillside, the north bank of San Mateo Creek. This runoff currently has no storm water pollution control facilities and eventually, drains to the Pacific Ocean (Focused Summary, Section 4.1.1). Nearly one million gallons of runoff per design water quality storm event from existing I-5 would receive treatment with the project. Over the past two years of record, approximately five design water quality events have occurred annually. Using this estimate, **the project would treat approximately five million gallons of water each year that currently flow untreated from existing I-5 into San Onofre and San Mateo Creeks, and ultimately, the Pacific Ocean.**

Water quality of marine resources and coastal waters will be improved along I-5 by installation of (1) runoff interception and conveyance systems for both on-site and off-site drainage, (2) water pollution prevention control facilities, and (3) water pollution treatment control facilities.

- **Runoff Interception and Conveyance Systems (On-Site Drainage).** Roadway, or "on-site" drainage, along I-5 from the north side of San Mateo Creek to a point southward approximately two miles, will be retrofitted to provide storm water treatment to on-site runoff. This will be accomplished by constructing storm drain systems along I-5 and along the proposed FTC-S/I-5 connectors that will tie into the existing storm drains. This storm drain network will consist of two systems, the first conveying storm water to an extended detention basin (EDB) adjacent to San Onofre Creek ("System 1") and the second conveying storm water to an EDB adjacent to San Mateo Creek ("System 2").

  System 1 runs along I-5 from Basilone Road southward for approximately 1.5 miles, conveying flows to the east side of I-5 into a 3.7 acre-feet extended detention basin located at the south embankment of San Onofre Creek. After treatment, the EDB detention basin will outlet into a pipeline routing the treated runoff to San Onofre Creek. For erosion control, the outlet will consist of a 100 square foot riprap energy dissipater located on the south embankment of San Onofre Creek (Focused Summary, Section 4.1.2).

System 2 includes a storm drain system running along I-5 from Basilone Road northward to San Mateo Creek, conveying flows to the east side of I-5 where it will connect to a 2.5 acre-feet EDB located on the south side of San Mateo Creek. After treatment, the EDB will outlet into a pipeline routing the treated runoff to San Mateo Creek. For erosion control, the outlet will consist of a 100 square foot riprap energy dissipater located on the south embankment of San Mateo Creek. System 2 will also include storm drains at the toe of the embankment along the east side of I-5 to convey storm flow from the above-grade FTC-S Connector structures. Deck drainage from these bridges will be routed down columns, outletting to the System 2 storm drains. All System 2 storm drains will connect to the EDB prior to discharge into San Mateo Creek (Focused Summary, Section 4.1.2).

On-site runoff for the area north of San Mateo Creek, at the Cristianitos Road crossing will be conveyed to treatment BMPs via storm drain systems equipped with flow splitters that capture and convey water quality flows to the BMPs and allow peak flows to continue on their original flow path. In this way, the on-site low flows and off-site flows are always separated. Treatment BMPs in this vicinity include a detention basin and a series of biofiltration swales (Focused Summary, Section 4.1.2).

Two storm drain systems (Systems 4 and 5) intercept and convey the on-site runoff in this area. System 4 includes a series of pipelines that direct flow from the shoulders into the median where a series of 300-feet long biofiltration swales will treat storm water runoff. The swales will outlet into grated catch basins that connect to the offsite System 3, which ultimately outlets to San Mateo Creek after water treatment.

System 5 includes a storm drain system that intercepts and conveys on-site runoff to a 1 acre-foot EDB located 2,500 feet north of the San Mateo Creek crossing. Where possible, this system is equipped with flow splitters that convey water quality flows to the EDB which outlets to off-site System 3 (Focused Summary, Section 4.1.2).

- **Runoff Interception and Conveyance Systems (Off-Site Drainage).** Storm water drainage that does not come from the roadway, or "off-site drainage", is conveyed by San Onofre and San Mateo Creeks under the I-5 at its bridge structures. Proposed improvements at San Onofre Creek consist of widening the existing bridge structure on both the upstream/northbound side (42.5 feet to 52.0 feet) and on the downstream/southbound side (37.0 feet to 52.7 feet) of I-5. The widened structure would be constructed on pier walls similar to the existing structure, with the same two foot width as the existing pier walls. The proposed widening creates an increase in water surface of 0.6 feet at the upstream face of the proposed bridge widening. The increase diminishes to 0 approximately 66 feet upstream of the bridge (Focused Summary, Section 4.2.2).

Proposed improvements at San Mateo Creek include construction of two connector bridges to FTC-S over San Mateo Creek, upstream of the I-5 bridge structures. The northbound bridge structure (northbound I-5 as it transitions to northbound FTC-S/SR-241) over San Mateo Creek will be approximately 3,860 feet long with 15 column supports. The bridge crosses San Mateo Creek at a skew angle ranging from 45 degrees at the creek crossing to approximately 70 degrees near the north abutment. The southbound bridge structure (southbound FTC-S/SR-241 as it transitions to southbound I-5) will be approximately 3,910 feet long with 14 column supports. The bridge crosses San Mateo Creek at a skew angle ranging from 60 degrees at the creek crossing centerline to approximately 70 degrees near the north abutment. The proposed bridges will result in a maximum increase in water surface elevation of 0.4 feet upstream of the I-5 bridge structure, diminishing to zero approximately 0.75 mile upstream of the proposed bridge structures (Focused Summary, Section 4.2.2).

The proposed off-site system for storm water generated uphill of FTC-S and Cristianitos Road consists of culverts and longitudinal ditches that intercept and convey surface water. The culverts are designed to pass the 10-year flood without causing the headwater elevation to rise above the inlet top of culvert and to pass the 100-year flood without causing objectionable backwater depths, outlet velocities, or ponded water outside the right-of-way. One 36-inch cross-culvert is proposed where a major flow path is located along the hillside approximately 5,000 feet north of the San Mateo Creek crossing. South of this location, off-site runoff consists mainly of sheet flow, which is intercepted and conveyed through a storm drain system (designated as System 3) to a riprap lined section of San Mateo Creek located immediately north of I-5 (Focused Summary, Section 4.2.2).

- **Water Pollution Prevention Control Elements.** Several Best Management Practices (BMPs) for the prevention of water pollution are incorporated into FTC-S, including the incorporation of flow-splitters, protection-in-place of desirable vegetation, the use of rock slope protection and other erosion prevention measures, and soil stabilization strategies.

  In order to mimic pre-project flows, inlet flow splitters have been incorporated into the design of the storm drain systems. The flow splitters capture and convey water quality flows to extended EDBs and allow peak flows to continue on their original flow path (Water Quality Technical Report Update, Section 6.1). In general, the project would result in a minor increase in impervious surface in the watersheds for San Onofre and San Mateo Creeks, which can be expected to translate into minor localized increases in runoff. However, lag time between the peak runoff of these major streams and that from the freeway runoff is large, i.e. the peak flow from the freeway will have substantially subsided by the time the watershed peak occurs. This, coupled with the minor increase in impervious surface (approximately 0.2 percent of the San Mateo Creek watershed and less than 0.1 percent of the San Onofre Creek watershed), results in an insignificant

increase in peak flows found in San Onofre and San Mateo Creeks (Focused Summary, Section 6.1).

Additionally, existing desirable vegetation and landscaping will be protected in place, where possible. The project will include demarcation of the limit of disturbed soil area during construction to ensure that adjacent vegetation is preserved (Focused Summary, Section 6.2).

Risks due to erosion or washout will be minimized through the use of rock slope protection, hydroseeding, ground cover, mulch, and longitudinal ditches and down drains. Velocity dissipation devices, flared end outlets, headwalls, transition structures, and splash walls will be incorporated into the design where necessary at culvert inlets and outlets to prevent erosion. Lined longitudinal ditches will be incorporated at the uphill side of FTC-S to intercept sheet flow where necessary and to convey it to culverts or bridges that cross under the roadway. Culvert outlets will be equipped with appropriate energy dissipating devices (Focused Summary, Section 6.3).

Various slope and surface protection measures will be used to address site soil stabilization and reduce deposition of sediments in the adjacent surface waters. Typical measures include the application of soil stabilizers such as hydroseeding, rock slope protection, velocity dissipation devices, flared end sections for culverts and others. The project will be constructed to minimize erosion by incorporating retaining walls to reduce the steepness of slopes or to shorten slopes; providing cut and fill slopes flat enough to allow re-vegetation and limit erosion to pre-construction rates; and by collecting concentrated flows in stabilized drains and channels. Energy dissipaters in the form of riprap, impact basins or velocity control rings will be provided at storm drain outlets to control erosion. Riprap sizes and thicknesses will be shown on the plans and stone gradation/ placement methods will be defined in the specifications (Focused Summary, Section 6.4).

- **Water Pollution Treatment Control Elements.** BMPs for pollution treatment will be designed and implemented to reduce the discharge of pollutants from the on-site storm drain system for all highway runoff from FTC-S and two miles of I-5, to the maximum extent practical, consistent with objectives set forth by Caltrans before discharging to natural channels. Currently, runoff from I-5 in this location is not being treated. Treatment BMPs considered feasible and practicable for the project include extended detention basins (EDBs) and biofiltration swales (Focused Summary, Section 7.1).

  As described above, two EDBs are proposed within the coastal zone; one proposed adjacent to San Onofre Creek and one adjacent to San Mateo Creek. The runoff area tributary to the San Onofre Creek EDB is 62 acres, which includes those sections of I-5 and FTC-S from Basilone Road to the south. The runoff area tributary to the San Mateo Creek EDB is 41 acres, which includes those sections of I-5 and FTC-S from the San Mateo Creek crossings southward to Basilone

Road. The water quality volumes are 3.7 acre-feet and 2.5 acre-feet for the San Onofre Creek EDB and San Mateo Creek EDB, respectively (Focused Summary, Section 7.1).

Three biofiltration swales are proposed within the coastal zone. These will be located immediately north of the FTC-S crossing of San Mateo. Here, the vegetated trapezoidal swales will be located in the median of FTC-S at a slope of less than two percent, with 4:1 side slopes and lengths ranging from 200 to 500-feet. Swales will be designed to Caltrans standards which require water quality flow velocities (equal to the flow generated from the 85th percentile storm) to be low enough to keep hydraulic residence times in the swale greater than 5-minutes. The swales will be vegetated with native grasses and will treat runoff from FTC-S for the area north of San Mateo Creek from the connector structures to the Cristianitos Road crossing. The downstream ends of the swales shall connect to grated inlet structures which outlet to an adjacent off-site storm drain system (that ultimately conveys the treated flow to the north bank of San Mateo Creek) (Focused Summary, Section 7.1).

Mitigation of Water Quality Construction Impacts. Mitigation measures and storm water regulations will protect marine resources from adverse water quality impacts from construction. Section 402(p) of the Water Quality Protection Act of 1987 requires that a Storm Water Pollution Prevention Plan (SWPPP) be prepared for construction projects that disturb more than one acre of land as part of the National Pollution Discharge Elimination System (NPDES). In California, the State Water Resources Control Board (SWRCB) is responsible for implementing this requirement through the RWQCB and Caltrans (Focused Summary, Section 3.1).

TCA is required to obtain coverage under the Caltrans Construction General Permit for discharge of storm water from a construction activity prior to the start of construction of the project. A Storm Water Pollution Prevention Plan (SWPPP) will be prepared once final design documents are available. The selection of construction Best Management Practices (BMPs) will be determined as a part of the development of the SWPPP; however the Final SEIR and supporting technical documents describe the following general construction BMPs for the project (Focused Summary, Section 5.1):

- Source identification and control (through covering and containing) of potential pollutants
- Erosion control techniques for temporary, permanent and wind conditions. Types of erosion control to be considered include rolled erosion control products (RECPs) and hydraulically applied mulches.
- Sediment control techniques with the specific objective of maintaining sediment loads consistent with pre-construction levels. Types of sediment control BMPs to be considered include fiber rolls, silt fence, drainage inlet protection and sediment traps and basins.
- Control of non-storm water through elimination of sources.

In addition, the RMP stipulates that the SWPPP include a storm water runoff sampling plan to ensure that BMPs are functioning effectively during construction (Focused Summary, Section 5.1).

The temporary residual increased sediment loads from construction areas are unlikely to alter the hydrologic response (i.e., erosion and deposition) downstream in the San Juan Creek and San Mateo Creek watersheds and, subsequently, the sediment processes in these watersheds. With implementation of the Storm Water Management Plan (SWMP) and SWPPP, there is minimal potential for impact in the southern part of the San Onofre Creek watershed upon construction of the Proposed Project (Focused Summary, Section 4.9).

Sediment transport and marine resources. As discussed in detail in the Consistency Response to Section **30220**, sediment transport systems in coastal waters will not be adversely affected by FTC-S. A number of studies have been prepared to ascertain potential adverse impacts of FTC-S on sediment transport from inland to the Pacific Ocean in the vicinity of FTC-S, such as alterations in sediment delivery, regional stream destabilization, and alteration of surfing conditions. As part of the analysis, qualitative and quantitative sediment transport analyses were performed for the lower San Mateo Creek channel to evaluate the sediment transport capacity and sediment delivery to the beach. The analysis found that with the project alteration of approximately 0.3% of the San Mateo Creek watershed, only insignificant changes to hydrology and hydraulics of the channel would be present, thus resulting in insignificant changes to sediment transport (Sediment Transport Analysis, Section 6). See the Consistency Review for Section **30220** for a detailed summary of relevant sediment transport analyses for impacts associated with FTC-S.

Public Resources Code §30231: *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Summary. FTC-S is consistent with Section **30231** of the Coastal Act requiring the maintenance of biological productivity and quality of coastal waters, streams, wetland, estuaries, and lakes by providing storm water runoff treatment where it currently is not present through the construction of bioswales and extended detention basins and thereby improving water quality over present conditions, following construction mitigation measures to reduce construction impacts to streams, not impacting groundwater resources, and minimizing the alteration of natural streams.

Comment and Analysis

Improvement of existing water quality. As discussed in detail above, coastal waters and wetlands are currently degraded by untreated runoff from several miles of the I-5 freeway. The receiving waters in the vicinity of FTC-S are San Mateo Creek and San Onofre Creek, which discharge directly into the Pacific Ocean. Roadway runoff along this segment of the I-5 currently is not treated by any storm water pollution control facility (Focused Summary, Section 4.1.1). Nearly one million gallons of runoff per design water quality storm event from existing I 5 would receive treatment with the construction of FTC-S. Over the past two years of record, approximately five design water quality events have occurred annually. Using this estimate, **the project would treat approximately five million gallons of water each year that currently flow untreated from existing I-5 into San Onofre and San Mateo Creeks, and ultimately, the Pacific Ocean.**

For a detailed discussion of water quality treatment infrastructure provided as part of FTC-S, see the Consistency Review for Section **30230**, above.

Minimal groundwater impacts. FTC-S will not require the use of any water other than that for irrigation with reclaimed water of some landscape areas and mitigation areas. Groundwater recharge would not be substantially impacted by FTC-S due to the very small percentage of impervious surface in a given watershed as well as the way runoff is treated. All off-site runoff is returned to the environment and all on-site runoff, after being detained in an EDB, is returned to the environment, generally within the same location. No depletion of groundwater will occur.

Storm water runoff from the Proposed Project is unlikely to recharge alluvial aquifers. However, it is anticipated there will not be observable increases in the groundwater quality constituent loadings.

Minimization of stream alteration. As described above, proposed improvements at San Onofre Creek consist of widening the existing bridge structure on both the upstream/northbound side (42.5 feet to 52.0 feet) and on the downstream/southbound side (37.0 feet to 52.7 feet) of I-5. The widened structure would be constructed on pier walls similar to the existing structure, with the same 2-feet width as the existing pier walls. The proposed widening creates an increase in water surface of 0.6 feet at the upstream face of the proposed bridge widening. The increase diminishes to 0 approximately 66 feet upstream of the bridge (Focused Summary, Section 4.2.2). Proposed improvements at San Mateo Creek include construction of two connector bridges to FTC-S over San Mateo Creek, upstream of the I-5 bridge structures (Focused Report, Section 4.2.2).

A 1602 Streambed Alteration Application has been completed and submitted to the California Department of Fish and Game for approval.

Public Resources Code §30232: *Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any*

development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Summary. FTC-S is consistent with Section **30232** of the Coastal Act requiring the protection of coastal areas from accidental spillage of crude oil, gas, petroleum products and other hazardous substances because the project does not include development of industrial or mining uses, and includes storm drain water treatment facilities in areas where they do not currently exist. Hazardous substances are regulated by federal, state and regional authorities.

FTC-S provides a substantial improvement in managing the risk of spillage on the existing two miles of I-5 that currently do not have any water quality infrastructure in place. Any spills occurring along this two mile section of I-5 will enter the proposed storm drain system and be directed towards the extended detention basin, which will avoid the direct introduction of the spilled substances into the existing drainages.

Comment and Analysis

As a roadway project, FTC-S does not pose significant threat of a crude oil, gas or other hazardous substance spillage. However, in the event that a minor accidental spill of a hazardous substance were to occur while being transported along either FTC-S or I-5 in the vicinity of its connection with FTC-S, storm drainage and water treatment infrastructure constructed as part of the project would mitigate against the impact such an accidental spill would have on coastal resources. At the present time, accidental spills of hazardous materials along I-5 in the vicinity of the project are not currently being treated by existing storm drain systems. Instead, water runoff from the roadway is diverted into San Mateo and San Onofre Creeks, and ultimately the Pacific Ocean, untreated. See the Consistency Response for Section **30231** for detailed discussion of FTC-S storm drain and water treatment infrastructure.

Hazardous substances are strictly regulated by the EPA, Cal EPA, the California and National Occupational Safety and Health Administrations (OSHA), and the U.S. Department of Transportation (DOT). DOT specifies the procedures for safely transporting hazardous materials and procedures regarding accidental spills during transport in the 49-CFR series of regulations (Sections 100–177). EPA specifies the requirements for proper labeling and placarding of hazardous substances. The American National Standards Institute (ANSI) recommends safety procedures for handling and storing hazardous materials, and OSHA and Cal OSHA specifies the procedures required for using and storing hazardous materials. The Department of Toxic Substance Control (DTSC), a Cal EPA department, regulates disposal of hazardous waste. The South Coast Air Quality Management District (SCAQMD) regulates hazardous air emissions. Site preparation, grading, and construction activities as well as operation and maintenance of the Corridor will adhere to local, State, and federal regulations with respect to hazardous materials generation, use, storage, and disposal. Additionally, because the project will be a State highway, the hazardous soils provisions/requirements contained in Chapter D5 of the Caltrans Maintenance Manual will be followed in accordance with State law.

Because the transport of hazardous materials and wastes and the remediation of any accidental spills are already addressed by existing local, state and federal regulations, no specific mitigation measures are required for the SOCTIIP Alternatives (Final SEIR, Section 4.17).

Public Resources Code §30233(a): *The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

> *(1) New or expanded port, energy, and coastal dependent industrial facilities, including commercial fishing facilities.*
>
> *(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channel, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
>
> *(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
>
> *(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
>
> *(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
>
> *(6) Restoration purposes.*
>
> *(7) Nature study, aquaculture, or similar resource dependent activities.*

(b): Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

(c): In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California," shall be limited to very minor incidental public facilities, restorative measures, nature study,

commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that not less than 80 percent of all boating facilities proposed to be developed improved, where such improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities.

Summary. FTC-S is consistent with Section **30233** regulating the diking, filling, and dredging of coastal waters and wetlands because FTC-S qualifies as an incidental public service, has been identified as the least environmentally damaging practicable alternative (LEDPA), includes several feasible mitigation measures to minimize adverse impacts to wetlands, and includes a Habitat Management and Mitigation Program (HMMP) to create, restore and enhance wetlands.

Comment and Analysis

Impacts on open coastal waters, wetlands, estuaries, and lakes. Temporary and permanent impacts to coastal waters and wetlands include impacts to San Mateo Creek, San Onofre Creek, and the San Mateo Marsh. Impacts to San Mateo Creek and San Onofre Creek result from the bridge structure improvements at the FTC-S crossing of these two creeks. The remaining impacts occur in areas adjacent to the I-5, which will be impacted from the realignment and reconstruction of Basilone Road, as necessitated by required national security improvements to the San Onofre Gate entrance to MCB Camp Pendleton.

- **San Mateo Creek.** The FTC-S connection to I-5 occurs in the coastal zone and requires a crossing of San Mateo Creek. The floodplain of the FTC-S crossing at San Mateo Creek generally consists of undeveloped land under federal (military) ownership and former agricultural fields in an area now being used for military training purposes. Vegetation near the crossing is composed primarily of scrub and riparian communities (NES, P&D, 2002). The connector ramps will result in permanent and temporary impacts to delineated wetlands of 0.01 acre and 5.3 acres respectively. Permanent impacts occur due to the placement of column supports within the creek. Temporary impact areas, which includes some areas of limited vegetation, occur due to the placement of falsework during construction. Currently, I-5 column supports are located in the San Mateo Creek, as well as column supports and other structural infrastructure for the Old Pacific Coast Highway and the railroad tracks, which cross San Mateo Creek.

- **San Onofre Creek.** The floodplain of the bridge widening at San Onofre Creek generally consists of undeveloped land under federal (military) ownership. Vegetation near the crossing is composed primarily of scrub, chaparral, and riparian communities (NES, P&D, 2002). The widening of the existing I-5 bridge supports within San Onofre Creek will result in permanent and temporary impacts to delineated wetlands of 0.01 acre and 1.14 acres, respectively. Permanent

impacts occur due to the widening of existing column supports within the creek, and temporary impacts occur due to the placement of falsework during construction.

- **San Mateo Marsh and San Onofre Gate Impacts.** San Mateo Marsh is separated from San Mateo Creek by agricultural fields and is located immediately east of I-5 and north of Basilone Road. Additionally, other marshy areas are located adjacent to the I-5 off-ramp, in the vicinity of the San Onofre Gate to MCB Camp Pendleton. Construction of project improvements, including the national security improvements made to the San Onofre Gate, will result in permanent impacts to these delineated wetland areas of 0.44 acre and no temporary impacts. For a detailed description of national security improvements, see the project description in Section III.B of this Consistency Report and Analysis.

Additionally, a shade impacts analysis for the bridge spans over both San Mateo and San Onofre Creeks was conducted to determine shade impacts on coastal wetlands. The analysis concluded that the proposed northbound connector will span approximately 920 feet of the San Mateo Creek containing southern riparian scrub and associated understory vegetation, similar to the existing I-5/San Mateo Creek Bridge. Based on the similarity of the height of the existing I-5/San Mateo Creek Bridge and the proposed northbound connector, it is expected that the construction of the proposed project would not have a measurable impact on the existing riparian vegetation under the proposed northbound connector. It was also determined that the southbound connector will similarly not have a measurable impact on the vegetation underneath the connecter based on the comparison of the existing vegetation of the I-5/San Mateo Creek Bridge and those resources that will be bridged by the southbound connector. However, there will be a small segment of the southbound connector that will ride over the existing bridge structure at the I-5/San Mateo Creek, which would increase the shading in the San Mateo Creek beyond those conditions that currently exist. This area of 0.29 acre (42 ft wide, 300 ft long) would contribute to additional shading within the San Mateo Creek area. However, this is not a substantial enough area to be expected to result in significant changes to the vegetation community under the southbound connector.
The proposed expansion of the bridge at San Onofre Creek will be similar to the existing I-5/San Onofre Creek Bridge. Based on the similarity of the height of the existing I-5/San Onofre Creek Bridge and the proposed expansion, it is expected that the construction of the proposed project would not have a measurable impact on the existing riparian vegetation under the proposed San Onofre Creek Bridge.

Overall Impact. In total, FTC-S will directly permanently impact 0.46 acre of wetlands subject to Coastal Commission jurisdiction, including areas that qualify as wetlands based on the presence of one parameter out of three possible parameters (i.e., soils, hydrology, and plants). FTC-S will temporarily impact 6.64 acres of wetland subject to Coastal Commission jurisdiction, including areas that qualify as CCC wetlands based on the presence of one parameter out of three possible parameters (i.e., soils, hydrology, and plants).

These impact totals represent only the surface area subject to regulation by the Commission and do not represent a relative assessment of function. The analysis which quantified the impact acreage assumed that all features within the disturbance limits are permanently filled, except for those that will be bridged. For bridges, the small area of impact where the support columns are founded into the ground were included as permanent impacts, while the remaining bridge right of way was assumed to be temporarily impacted for piling installation, although the bridge structure will span over the open terrain.

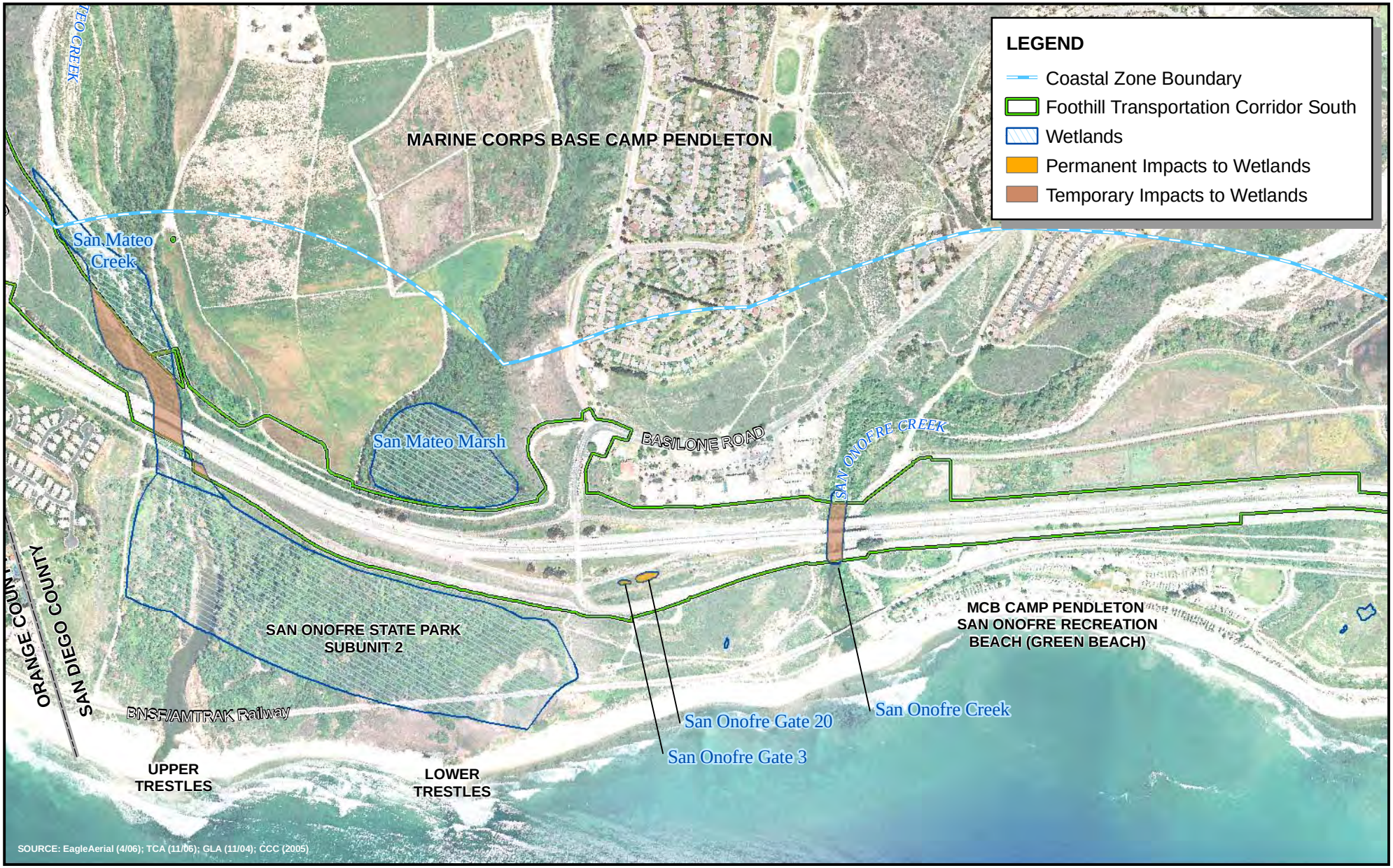
As stated above, permanent and temporary wetland impacts may be summarized as follows. See ***Figure 4, Wetlands,*** for the location of the described wetland areas. As shown in Figure 4 and described below, the 0.46 acre of permanent wetland impact is not a contiguous area. Instead the permanent wetland impact areas range in size from 0.01 to 0.21 acre, and are located over a distance of approximately two miles. These fragmented wetland sites are separated in some cases by I-5, local roadways, trails, topography, and other physical features.

Table 4, Permanent Impacts to CCC Wetlands

Wetland	Impacted By	Acres of Impact
San Mateo Creek	Placement of support columns for the I-5/SR-241 Connectors	0.01
San Mateo March (east of I-5)	Divergence of the northbound I-5SR-241 connector and reconstruction and widening of military access road	0.21
San Onofre Gate 20	Reconstruction and realignment of Basilone Road for military security and access improvements	0.05
San Onofre Gate 3	Reconstruction and realignment of Basilone Road for military security and access improvements	0.18
San Onofre Creek	Widening of existing support structures for the San Onofre bridge	0.01
TOTAL		**0.46**

Table 5, Temporary Impacts to CCC Wetlands

Wetland	Impacted By	Vegetation Type	Acres of Impact
San Mateo Creek	Construction and construction falsework	Annual and perennial vegetation, including mulefat, narrow-leaved willow, arroyo willow, fennel, rabbitfoot grass, red and ripgut brome, white clover, and curly dock. In general, varies from mature willow woodland to mulefat scrub and open cobbly wash.	5.3
San Onofre Creek	Construction and construction falsework	Herbaceous cover including water-cress, yellow waterweed, water speedwell, southern cattail, and common monkey flower. Dominant overstory includes western sycamore and arroyo willow.	1.14
TOTAL		**NA**	**6.64**



0 1,000 2,000 Feet

0 0.3 0.6 Kilometers

Wetlands

Consistency Certification and Analysis for FTC-S

Figure 4

(3/21/07) i:\tca430\gis\CZ_CZBoundary.mxd

Allowable Use Test – Incidental Public Service. Because the project will involve limited impacts to wetlands, it triggers the 3-part test of Section **30233(a)** of the Coastal Act, which involves a determination of whether the project complies with the allowable use, alternatives, and mitigation tests of Section **30233(a)**.

Under the first of these tests, a project must qualify as one of the eight stated uses allowed under Section **30233(a)**. The Coastal Commission has considered expansions of existing roads, an airport runway (City of Santa Barbara, CC-058-02) and several past North County Transit District (NCTD) double tracking rail projects just east of I-5 on Camp Pendleton (including CC-55-05, CC-52-05, and CC-86-03) in certain situations to qualify as "incidental public service purposes," and thus allowable under Section **30233(a)(5)** where no other alternative existed and where the expansion was deemed necessary to maintain existing traffic capacity.

The FTC-S fits within this historically accepted interpretation. The California Coastal Commission previously accepted this application of Section **30233(a)(5)** in concurring with the North County Transit District's "double-tracking" projects on Camp Pendleton (CC-86-03 and CC-52-05, NCTD, San Onofre Area and Santa Margarita River, respectively). The Coastal Commission found:

> *Allowable Use Test – Coastal Act Section 30233(a). Section 30233(a) does not authorize wetland fill unless it meets the "allowable-use" test. Similar to the Commission decision regarding safety improvements at the Santa Barbara Airport (CC-58—01), the proposed project is an allowable use as an incidental public service because it is necessary to maintain existing passenger service. The second main track project is being proposed to streamline service for existing trains, and would not result in an increase in the number of trains (capacity) utilizing the tracks. Rather, the proposed project would improve mass transit services by providing more efficient services, thereby increasing the incentive for travelers to choose this mass transit option instead of personal automobiles. Therefore, any increase in utilization of the train service would be related to an increase in number of passengers aboard, rather than an expansion of train services.*

The FTC-S is necessary to maintain existing traffic capacity and, as discussed below, there is no feasible less environmentally damaging alternative. As previously discussed in the Consistency Response to Section **30210**, the purpose of FTC-S is to improve the transportation infrastructure system by reducing existing and future traffic congestion on I-5 and local roadways in the project area, accommodating the existing and increasing need for mobility and goods movement in the surrounding area, and providing improved access for inland populations to coastal areas now provided only by I-5.

FTC-S will maintain current levels of capacity to alleviate existing congestion. The continued development of residential, commercial and industrial uses in south Orange County and throughout the rest of the County has resulted in continuing traffic congestion in both weekday and weekend conditions so that major travel routes,

specifically I-5 as it travels through south Orange County, experience very poor levels of service during these periods. Under existing conditions, roadway deficiencies occur at three segments of I-5, 12 freeway/tollway ramps (nine I-5 ramps and three SR-241 ramps) and 10 intersections (six arterial-to-arterial and four arterial-to-freeway/tollway ramps). Additionally, a number of intersections on area roads are currently deficient including the intersection if I-5 and Oso Parkway, I-5 and Crown Valley Parkway, I-5 and Ortega Highway, I-5 and Avenida Pico, Crown Valley Parkway and Marguerite Parkway, and Ortega Highway and Antonio Parkway(Final SEIR, Section 3).

Access to and along this portion of the coast is currently restricted because of severe traffic congestion on I-5. In this area, I-5 is the only north-south route and thus is the only regional facility available to handle inter-regional, local and recreational travel. Access to the coast is particularly restricted during peak recreational periods such as weekends and holidays. Traffic on I-5 on weekends is higher than weekday traffic (Final SEIR, Chapter 3). Because of I-5 congestion, significant congestion is also occurring on local streets in San Clemente on the weekends as drivers attempt to avoid I-5 congestion. This results in additional barriers to coastal access.

The project qualifies as an "incidental public service purpose," and therefore is an allowable use under Section **30233(a)(5)**. As discussed in the following section, there is additionally no feasible less environmentally damaging alternative to the Proposed Project.

No feasible less environmentally damaging practicable alternative (LEDPA). The bridge structures over San Mateo Creek have been designed with maximum spans to minimize impacts to wetlands. The southbound bridge structure (southbound FTC-S as it transitions to southbound I-5) will be approximately 3,910 feet long. The northbound bridge structure (northbound I-5 as it transitions to northbound FTC-S) over San Mateo Creek will be approximately 3,860 feet. There are a total of 29 support columns and 4 abutments in the coastal zone. The bridge structures were designed to minimize wetland impacts meeting Caltrans engineering and seismic safety considerations. Support columns are anticipated to encompass a cross sectional area of approximately 80 square feet each.

Therefore, the resulting fill of .01 acre of wetlands is unavoidable in terms of a bridge design. In terms of alternatives that avoid this area, extensive alternatives analysis was conducted. Other alternatives would have substantial and unacceptable impacts to other resources, including extensive residential and business relocations. Additionally, siting the confluence of I-5 and SR-241 to the south or southeast is not feasible, due to impacts associated with the military mission of MCB Camp Pendleton, as further discussed in the Consistency Response for Section **30420** and below. Similarly, the 0.01 acre permanent wetland impacts in San Onofre Creek are also unavoidable, in order to provide for the merging and diverging of FTC-S lanes with I-5 per Caltrans standards.

Site-Specific Refinements. Section 4.10 of the EIS/SEIR describes the process for refining alternatives to minimize and avoid impacts on wetlands and other sensitive

resources. The TCA completed a three-step approach during the Draft EIS/SEIR process to avoid and/or minimize impacts to wetland areas. First, the alternatives refinement process avoided wetland areas to the maximum extent possible. The refined alignments closely followed the natural contours of the existing terrain to substantially reduce the volume of cut and fill while minimizing the area of disturbance and reducing potential impacts to Waters of the United States and sensitive habitat. Second, known wetland areas that required a crossing of a major watercourse were identified and avoided by placing the alignment of bridge structure, such as the crossings of San Juan Creek, San Mateo Creek, and Cañada Gobernadora. Last, other smaller wetland areas, such as the Tesoro wetland and Blind/Gabino complex, were avoided by shifting the road alignment away from these wetland features.

Similar to the successful refinement process conducted for the San Joaquin Hills Transportation Corridor (SR-73) and the Eastern Transportation Corridor (SR-241/SR-261/SR-133) during the environmental review processes for those projects, this refinement process preceded the determination that the alternatives were feasible and merited further consideration. The alternatives refinement process avoided wetland areas to the maximum extent possible; for example, at the southern end of the FTC-S alignment, impacts to wetlands in the vicinity of San Mateo Creek were minimized by adjusting the I-5 direct connector structure to decrease the right-of-way width required to build the structure. Alignments were refined to closely follow the natural contours of the existing terrain in order to substantially reduce the volume of cut and fill, while minimizing the area of disturbance and reducing potential impacts to wetlands and sensitive habitat. Known wetland areas at the required crossings of major watercourses were identified and avoided by placing the alignment on bridge structures, such as the crossing of San Mateo Creek. Other site-specific refinements were based on criteria for avoiding sensitive coastal sage habitat, avoiding sensitive wetlands and encroachment into the drainage, minimizing or avoiding adverse effects on wildlife connectivity (wildlife movement through the area), and other key environmental issues. In addition, geological data in relation to location of landslides; cultural resources data; and existing land use data such as residential, recreational, military, and utilities were plotted on maps, and the alignments were engineered to avoid or minimize impacts to the designated areas of concern.

Project-Wide LEDPA. FTC-S includes design refinements that will reduce impacts and/or avoid resources to the degree feasible, while meeting the engineering requirements for the six-lane facility and minimizing impacts to existing community development (homes and businesses), sensitive resources and habitat, planned resource management areas, recreational and cultural resources, and other environmental factors. The EPA and the Corps have preliminarily determined that the Preferred Alternative is the LEDPA. Through the NEPA/404 MOU process, the Collaborative has preliminarily agreed that the Preferred Alternative is the LEDPA. USFWS has preliminarily indicated that the Preferred Alternative will comply with applicable requirements of the Federal Endangered Species Act (FESA). These determinations reflect the evaluations by these agencies in the Collaborative process conducted during the past six years.

Mitigation measures were developed to avoid or substantially reduce the potential adverse short- and long-term impacts of FTC-S, as discussed below. With implementation of the proposed mitigation measures, the potential for adverse impacts to wetlands as a result of construction of FTC-S is substantially reduced. No significant unavoidable adverse impacts related to wetlands remain after mitigation.

No Feasible Avoidance Alternatives. The bridge over San Mateo Creek is essential to the basic transportation functions of FTC-S. Given the location of existing FTC-S, topography, institutional constraints, and existing communities (i.e., San Clemente and Talega), the Proposed Project cannot achieve a connection with I-5 without the bridge over San Mateo Creek. The absence of the bridge connection would preclude attaining all of the project's objectives, including alleviating existing and future peak-hour traffic congestion on the existing circulation network in south Orange County; reducing traffic congestion and delay in south Orange County; implementing the Orange County MPAH by completing the transportation corridor system between existing FTC-S and I-5; minimizing through traffic use of the existing arterial highway network in south Orange County; and providing an alternative access route between south Orange County and central and northeastern Orange County to serve existing and developing employment centers and major attractions, as well as for emergency evacuations and emergency service providers. Also, if FTC-S is not implemented; the water quality benefits would not be realized (i.e., the treatment of approximately five million gallons of water that currently flows untreated from I-5 into San Onofre and San Mateo Creeks).

FTC-S is an integral part of the SCAG Regional Transportation Plan (RTP), the SANDAG Regional Transportation Plan, and plays a key role in completing the regional transportation system with a connection to I-5. Even if a truncated version that did not connect with I-5 could conceptually be implemented (see CC-ALPV and A7C-ALPV Alternatives), remaining traffic would effectively overload I-5 and the arterial street network, thereby creating significant congestion.

The bridge over San Onofre Creek is also essential to the basic transportation functions of the Proposed Project. FTC-S is designed to meet Caltrans design and safety requirements for system interchanges and connectors in accordance with Chapter 500 of Caltrans Highway Design Manual. The southbound and northbound connectors begin to merge and diverge, respectively, from I-5 in the vicinity of San Onofre Creek. In order to comply with Caltrans design requirements, the existing I-5 bridges over San Onofre Creek will be widened to accommodate the connectors. The merging southbound connector extends approximately 5,000 feet south of San Onofre Creek, and the diverging northbound connector extends approximately 4,000 feet south of San Onofre Creek. The bridge widening will be accomplished with limited short-term or long-term impacts to jurisdictional waters or wetlands in San Onofre Creek (0.01 acre of permanent and 1.14 acres of temporary impacts).

The EIS/SEIR considered an alternative that involved improvements to I-5. While the I-5 widening alternative would not involve the connector structure from FTC-S to I-5, it

would necessitate the widening of the existing bridge over San Mateo Creek, causing significant permanent wetland impacts at this location.

The I-5 Alternative would result in the displacement of 838 existing homes and 382 existing businesses. Land use impacts associated with total permanent right-of-way would be 1,247 ac. In addition, the I-5 Alternative would result in substantial impacts to community cohesion, property tax revenue, sales tax revenue, and transit occupancy tax revenue; a loss of employment opportunities; and impacts to established business districts. The total cost for the I-5 Alternative would be $2,401 billion, which is $1,672 billion (or 229.4 percent) more than FTC-S.

The technical analyses for the EIS/SEIR also evaluated an alternative that involved a combination of arterial improvements and the widening of I-5 (AIP Alternative). The AIP Alternative would result in the displacement of 898 homes and 339 existing businesses. These alternatives were found to be impracticable and were rejected by FHWA and the TCA due to the severe community and economic impacts. They were also rejected by EPA and the Corps.

Feasible mitigation measures to minimize adverse impacts. The following mitigation measures will be provided to minimize adverse environmental effects on wetlands of FTC-S to the maximum extent feasible. These mitigation measures are set forth in Section 4.0 of the EIS/SEIR:

WW-1 Prior to construction, the TCA or other implementing agency/agencies shall designate a Project Biologist responsible for overseeing biological monitoring, regulatory compliance, and restoration activities associated with construction of the selected alternative in accordance with the adopted mitigation measures and applicable law.

WW-2 During final design of the project, the Project Biologist shall review the design plans and make recommendations for avoidance and minimization of sensitive biological resources. The TCA or other implementing agency/agencies Environmental and Engineering Staff shall determine the implementation of those recommendations.

WW-3 A Biological Resources Management Plan (BRMP) shall be prepared prior to construction. The BRMP shall provide specific design and implementation features of the biological resources mitigation measures outlined in the resource agency approval documents. Issues during construction and operation to be addressed in the BRMP shall include, but are not limited to, resource avoidance, minimization, and restoration guidelines, performance standards, maintenance criteria, and monitoring requirements. The Draft BRMP shall be submitted to the USFWS, National Marine Fisheries Service (NMFS), CDFG, Corps, RWQCB, Federal Highway Administration (FHWA), the CCC, and the California Department of Transportation (Caltrans) for review to the extent required by permit by such agencies.

The primary goal of the BRMP will be to ensure the long-term perpetuation of the existing diversity of habitats through restoration in the project area and adjacent urban interface zones and to prevent off-site or indirect effects. The BRMP shall contain at a minimum the following:

a. Identification of all Environmental Sensitive Areas (ESA). ESAs are defined as sensitive habitats including, but not limited to, areas subject to the jurisdiction of the CDFG, Corps, and USFWS.

b. Design of protective fencing (i.e., t-bar or yellow rope) around ESAs and the construction staging areas.

c. Locations of trees to be protected as wildlife habitat (roosting sites).

d. For areas that will be restored, the quality of the adjacent habitat will be characterized. This characterization shall include species composition, density, coverage, and presence of non-natives. This characterization will provide a baseline to compare the success of the restoration. The site preparation plan for each restoration site will include:

- Sources of plant materials and methods of propagation.
- Site preparation (clearing, grading, weed eradication, soil amendment, topsoil storage), irrigation, planting (container plantings, seeding), and maintenance (weed control, irrigation system checks, replanting) of restoration areas. Specification of parameters for maintenance and monitoring of restoration areas, including weed control measures, frequency of field checks, and monitoring reports for temporary disturbance areas within the right-of-way.
- Remedial measures to be taken if performance standards are not met.
- Methods and requirements for monitoring of the restoration efforts.
- Specification of the purpose, type, frequency, and extent of chemical use for insect and disease control operations as part of vegetative maintenance within restoration areas.

e. Specific measures for the protection of sensitive habitats to be preserved in and adjacent to the right-of-way to ensure that construction does not increase beyond the impacts identified in the EIS/SEIR. These measures will include, but are not limited to, erosion and siltation control measures, protective fencing

guidelines, dust control measures, grading techniques, construction area limits, and biological monitoring requirements. Details of the erosion, siltation, and dust control mitigation measures will be provided in the Storm Water Pollution Prevention Plan (SWPPP).

WW-4 In conjunction with the development of final plans and specifications for construction, or other activities involving vegetation/habitat removal, the Project Biologist shall review and approve the contractor's map of all sensitive habitats (Environmentally Sensitive Areas) within 500 feet of the grading limits on the grading plans. The ESA maps shall be prepared by the construction contractor's qualified biologist and approved by the TCA or other implementing agency/agencies. All ESAs to be avoided and performance standards established by the resource agencies shall be clearly noted on the grading, construction, and landscape plans. Additionally, the landscape plans shall indicate that plant materials be local southern Orange County natives.

WW-5 During grading activities and construction operations, the Project Biologist shall conduct monitoring within and adjacent to sensitive habitats including monitoring of the installation of protective devices (silt fencing, sandbags, fencing, etc.), installation and/or removal of creek crossing fill, construction of access roads, vegetation removal, column installation, falsework installation and removal, and other associated construction activities, as deemed appropriate by the Project Biologist. Biological monitoring shall be conducted to document adherence to habitat avoidance and minimization measures addressed in the project mitigation measures and as listed in the USFWS, CDFG, and Corps permits/agreements.

WW-6 Final design and construction shall restore the perennial river and stream channels and ephemeral drainages and washes to their original contours upon completion of construction where feasible, with the exclusion of areas of permanent impact.

WW-7 During all construction activities, the Contractor shall ensure that construction equipment or vehicles shall not be stored in areas defined as ESAs, including areas within the jurisdiction of the Corps and/or CDFG. There shall be no fueling, lubrication, storage, or maintenance of construction equipment within 150 feet of CDFG or Corps jurisdictional areas. Construction equipment staging/storage shall be located in previously disturbed or non-native areas to the maximum extent possible.

WW-8 During all construction activities, the Contractor shall ensure that no waste material shall be discharged to any CDFG or Corps jurisdictional areas. Spoil sites shall not be located within any CDFG or Corps jurisdictional areas, or in areas where it could be washed into any surface water body.

WW-9 Prior to final design, the Contractor shall prepare the final construction Runoff Management Plan (RMP). The plan shall address the final location of facilities to route and detain corridor runoff for the purpose of maintaining peak flows and flow velocities downstream of the Alignment at existing rates and preventing project pollutants from reaching improved and unimproved downstream drainages. County of Orange Best Management Practices (BMPs) will be included in these runoff facilities of the Alternatives as determined appropriate by the Design Engineer. The final RMP will contain provisions for changes to the plan (e.g., alternative mechanisms plant materials) if necessary during project design and/or construction phases to achieve the stated goals and performance standards at an equal or greater level. The RMP will address issues of detention and settlement basin design for mitigation requirements in relation to water quality. The plan shall be submitted to the RWQCB, Caltrans, and the Orange County Environmental Management Agency (OCEMA) Environmental Planning Division for review and comment. (RMP, Psomas 2003.)

WW-10 The Contractor shall locate staging areas for construction equipment outside of areas in the jurisdiction of the Corps or CDFG to minimize impacts to sandy creek benches.

WW-11 Prior to final design, the TCA or implementing agency shall prepare a jurisdictional delineation documenting the Waters of the United States and wetlands, CDFG, and CCC jurisdictional impacts for the selected alternative. The wetland delineation process has resulted in the Jurisdictional Determination and Wetlands Delineation Technical Assessment for Impacts Associated with the South Orange County Transportation Infrastructure Improvement Project, Revised April 6, 2005, prepared by Glenn Lukos Associates, Inc.

Mitigation identification since certification of the Final SEIR. Mitigation of coastal wetlands adjacent to the project within the coastal zone, is significantly constrained by MCB Camp Pendleton. Camp Pendleton has stipulated that no habitat mitigation program can be located within the boundary of Camp Pendleton. This letter has been provided to Coastal Commission staff and is dated November 1996.

Therefore, to compensate for unavoidable impacts to wetland areas for FTC-S within Coastal Commission jurisdiction, a comprehensive Habitat Mitigation and Monitoring Plan (HMMP) proposes to create 15.9 acres of wetland areas, including native grassland, wet meadow, mulefat scrub, southern willow woodland, and southern coast live oak/elderberry woodland habitats within approximately 215.8 acres in and adjacent to Chiquita Creek, located within the San Juan Creek watershed. The primary components of creation involve recontouring uplands that are adjacent to existing wetland/riparian areas in order to promote surface flow of water and restore the floodplain. The recontoured areas will be planted with a variety of wetland/riparian species. The primary

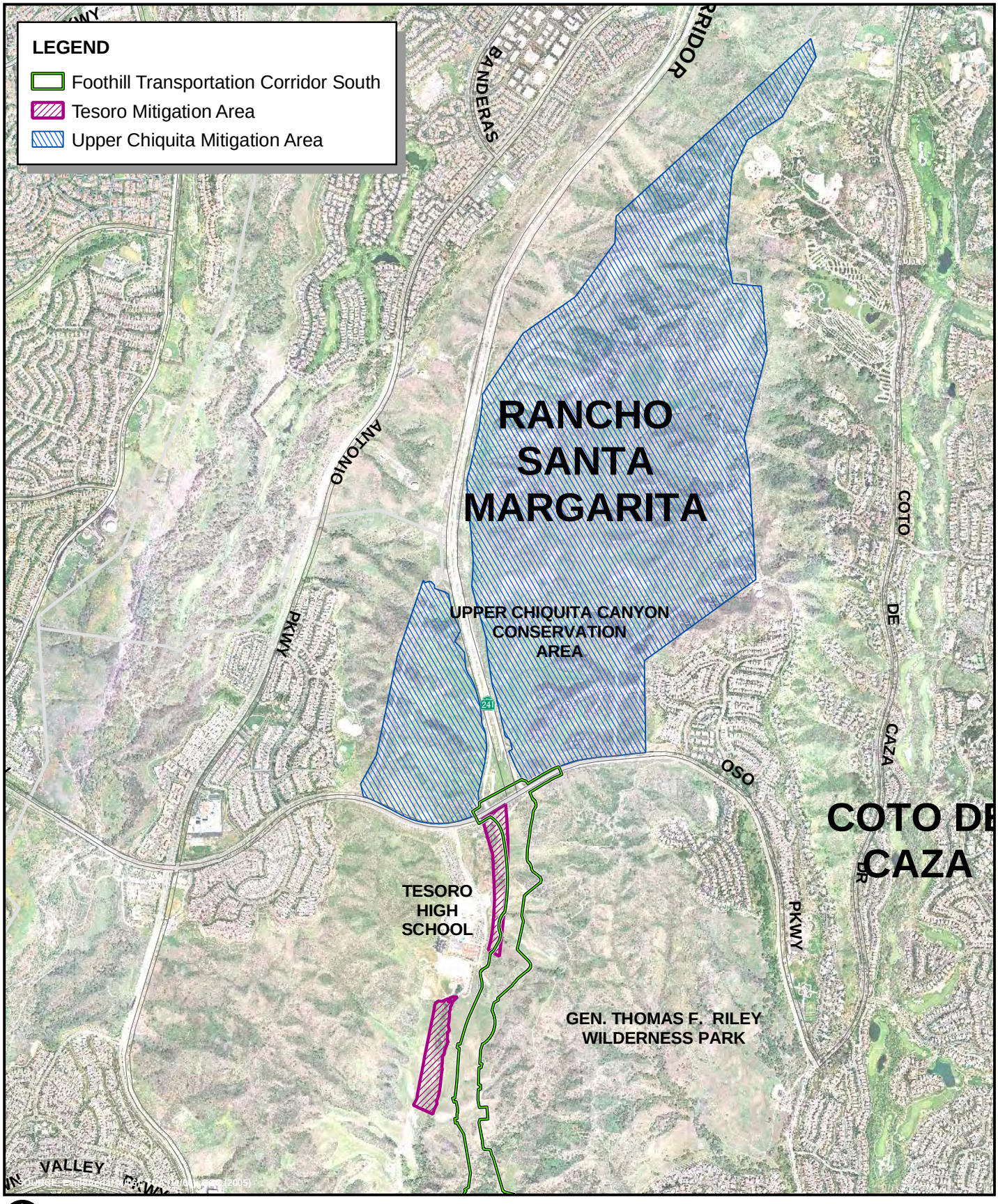
components of wetland restoration involve removing the non-native species and replanting the area with native plant species from perennial grassland and southern coast live oak/elderberry woodland communities.

The proposed wetland mitigation area is located within one of two adjacent, identified mitigation areas within the geographic bounds of the Orange County Southern Subregion of the Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP), a conservation study area of approximately 132,000 acres. Planning of NCCP/HCP anticipated the Conservation Area within Upper Chiquita Creek. Additionally, within MCB Camp Pendleton and adjacent to the NCCP/HCP area, the Integrated Natural Resource Management Plan (INRMP) identifies program policies, goals, objectives, planned actions, and timelines for the implementation of natural resources management on MCB Camp Pendleton.

As part of this regional conservation system, the created, enhanced and restored habitat within Chiquita Creek will be of far higher habitat value than is provided by the fragmented and scattered areas of permanent wetland impact in the FTC-S disturbance limit. Restoration and creation of 15.9 acres of wetland areas within Upper Chiquita Canyon would provide a consolidated wetland area within the NCCP/HCP and INRMP habitat system, resulting in a net increase in habitat value, making FTC-S consistent with Section **30233**.

Moreover, the functionality of the newly created wetlands will be enhanced as they will form an integral part of an overall habitat system that also includes protected riparian and upland watershed habitats. As part of the HMMP, two adjacent areas have been identified (See ***Figure 5, FTC-S Mitigation Areas***):

> **Mitigation Area A:** A 20.80-acre area adjacent to Tesoro High School, located along Chiquita Creek and one of its tributaries. Two principal areas have been identified for habitat restoration and creation along Chiquita Creek, which is bisected by Tesoro High School. Mitigation Area A is immediately downstream of the 1,182-acre Upper Chiquita Creek Conservation Area. In Mitigation Area A, mitigation will include the following:
>
> - Restoration and creation of 4.66 acres of southern willow woodland;
> - Restoration and creation of 4.90 acres of coastal sage scrub/native perennial grassland ecotone;
> - Creation of 3.06 acres of mulefat scrub;
> - Creation and substantial restoration of 7.31 acres of wet meadow; and
> - Creation and restoration of 0.88 acres of oak/elderberry woodland.
>
> **Mitigation Area B**: a 195-acre area within the 1,182-acre Conservation Area managed by TCA. Mitigation Area B is located south and east of the City of Rancho Santa Margarita and north and west of Oso Parkway. These 195 acres are proposed as part of the amendment to the existing Upper Chiquita Canyon Bank Agreement, described in detail in the Consistency Response to Section **30240**. As described above, the existing conservation bank was established by CDFG,



FTC-South Mitigation Areas

Consistency Certification and Analysis for FTC-S | Figure 5

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USFWS, and TCA. The conservation bank agreement establishes additional credits for the restoration and enhancement of appropriate habitats within the Conservation Area.

For FTC-S, 13 acres of riparian oak woodland restoration and 182 acres of native grassland restoration are proposed, for a total of 195 acres of mitigation in the Upper Chiquita Canyon Conservation Area. Specifically, the mitigation approach will consist of a combination of 1) habitat restoration and creation within the Chiquita watershed, and 2) upland watershed buffer enhancement, via restoration of native grasslands within the Conservation Area.

Finally, temporarily impacted wetland areas within the FTC-S disturbance limits will be revegetated with native wetland vegetation, providing habitat for native plant and wildlife species. However, because these areas are within the bounds of MCB Camp Pendleton, wetland areas revegetated within MCB are not to be counted towards habitat mitigation.

Public Resources Code §30233(d): *Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provision of this division, where feasible mitigation measures have been provided to minimize adverse environmental effect. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.*

Summary. FTC-S is consistent with Section **30233(d)** of the Coastal Act requiring the facilitation of sediment delivery by not impeding the movement of sediment and nutrients, and by including extensive erosion control measures. FTC-S has been analyzed extensively for impacts to sediment transport, specifically as it relates to recreational surfing resources. See the Consistency Review for Section **30220** for a detailed discussion of sediment transport conditions.

Public Resources Code §30234: *Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.*

Not Applicable. This policy is not applicable to consistency review of the FTC-S, as the project poses no impacts to facilities serving the commercial fishing and recreational boating industries, or impact available harbor space.

Public Resources Code §30234.5: *The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.*

Not Applicable. This policy is not applicable to consistency review of the FTC-S, as the project poses no impacts to the economic, commercial, and recreational importance of fishing activities. Access to the beach and tidal areas in the SOSB will be maintained for commercial and recreational fishing activities to the extent that the activities are consistent with federal and state regulations and statutes.

Public Resources Code §30235: *Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.*

Not Applicable. This policy is not applicable to consistency review of the FTC-S, as the project includes no shoreline protective devices and will not require shoreline protective devices during the economic life of the project.

Public Resources Code §30236: *Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.*

Not Applicable. This policy is not applicable to consistency review of FTC-S as the project does not include channelization, damming, or substantial alteration of the courses of San Mateo Creek or San Onofre Creek. The natural stream dynamics will be preserved and maintained through implementation of Best Management Practices (BMPs) and Project Design Features (PDFs).

D. Consistency with Coastal Act Article 5 – Land Resources

Public Resources Code §30240(a): *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.*

Summary. FTC-S is consistent with Section **30240(a)** requiring the protection of environmentally sensitive habitat areas (ESHA). Project implementation will not significantly disrupt habitat values and, through the regional conservation efforts of the NCCP/HCP and INRMP, which anticipate the FTC-S, including the segment in the coastal zone, it will produce a net benefit to environmentally sensitive habitat areas (ESHA), including coastal sage scrub/gnatcatcher habitat. A comprehensive Habitat Mitigation and Monitoring Plan (HMMP) will ensure that a net increase of habitat functions will occur in the region. Additional project features, derived from the FSEIR, also have been incorporated in the design of FTC-S to address other sensitive species which habitat surveys have determined would not be directly or indirectly impacted by the project.

Throughout the 20 year history of FTC-S planning efforts, several alternatives to FTC-S were eliminated at different stages of FTC-S planning due to broadly analyzed impacts to sensitive biological resources. See ***Table 1, History of FTC-S Alternatives*** in Section III.B of this Consistency Certification and Analysis. See Consistency Review of Section **30240(b)** for analysis of project siting to reduce biological resource impacts.

Comment and Analysis

Habitat impacts were assessed for direct and indirect impacts from construction and use of the FTC-S alternatives. The study area boundary for all alternatives evaluated extends no less than 0.25 mile on either side of the centerline, and encompasses not only the area of disturbance but at least 100 feet beyond the disturbance limit boundary. This was done so that other biological resources, such as wildlife corridors, could be evaluated on a landscape level. In this regard, the study provides a thorough and focused assessment of the entire area potentially affected (Focused Summary, Section 2.8).

Coastal Sage Scrub and Coastal California Gnatcatcher. Within the coastal zone, FTC-S will impact approximately 49.75 acres of coastal sage scrub (CSS) habitat and three coastal California gnatcatcher use areas within the project's disturbance limit. However, the impacts to CSS and gnatcatcher habitat associated with FTC-S were anticipated in the regional conservation efforts established in the NCCP/HCP and specifically addressed through CSS and gnatcatcher conservation programs, so that no net loss of CSS or gnatcatcher ESHAs will occur as a result of FTC-S.

This region, which includes the entirety of FTC-S, has undergone extensive regional conservation planning. MCB Camp Pendleton has an Integrated Natural Resource Management Plan (INRMP) that identifies the program policies, goals, objectives, planned actions, and timelines for the implementation of natural resources management

on MCB Camp Pendleton. The INRMP serves as a reference document and management tool for the base, relative to the natural resources management programs with ongoing development, review, and implementation by base personnel, the USFWS, and the CDFG.

To the north of MCB Camp Pendleton is the Orange County Southern Subregion of the Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP), a conservation study area of approximately 132,000 acres. The USFWS has determined that the NCCP/HCP will (1) "contribute to the survival and recovery of the California gnatcatcher in the Southern Subregion and contribute [to] its recovery on a rangewide basis", (2) provide for maintaining net habitat value and increasing gnatcatcher populations through restoration actions, and (3) benefit the species over the long-term. NCCP/HCP planning was respectful of adjacently to the planning area of the INRMP and environmentally planning issues were coordinated between the two.

In 1996, TCA purchased a conservation easement for Upper Chiquita Canyon from Rancho Mission Viejo (hereafter referred to as the Conservation Area). The Conservation Area, which is part of the 132,000 NCCP/HCP conservation study area, consists of approximately 1,182 acres. Under the initial bank agreement, 327 conservation credits were established for the preservation of existing CSS within the Conservation Area. These 327 conservation credits are to be used as mitigation for impacts to CSS associated with the future FTC-S. Each conservation credit represents one acre of gnatcatcher occupied CSS habitat value. The Conservation Area is geographically located within the Orange County Southern Subregion of the Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP), a conservation study area of approximately 132,000 acres. A critical aspect of the NCCP/HCP that benefits and contributes to the recovery of the gnatcatcher is the preservation of the Conservation Area, which is considered by the USFWS as a key location for CSS and the gnatcatcher.

The Conservation Area was originally under substantial threat for development; however, the TCA was able to conserve this area that would have been lost or substantially degraded by development in advance of the anticipated impacts from the FTC-South project. The gnatcatchers present in the Conservation Area represent the northern portion of the gnatcatcher population in a key location in the Chiquita Canyon, Western Gobernadora/Chiquadora Ridge, and Wagon Wheel area (Draft NCCP/HCP Planning Guidelines, April 2003). These areas are "integral to the overall function of the reserve for this species because they provide linkage to other populations, including Camp Pendleton."(Draft NCCP/HCP Planning Guidelines, April 2003).

Gnatcatcher conservation efforts are directed at preserving relatively large, contiguous patches of CSS suitable for gnatcatchers (Service 1993, 2000, 2003). In the Southern Subregion, the gnatcatcher is at recovery levels. In addition to a hard-line reserve, in the Southern Subregion, conservation efforts are directed at maintaining connectivity (protecting gnatcatcher movement corridors), and adaptive management, including

enhancement and/or restoration of habitat, long-term fire management, control of invasive species and ongoing management of stressors (Service, 2006).

The gnatcatcher and its habitat "have already been substantially conserved in coastal southern California" through several NCCPs and HCPs and substantial populations exists on federal lands (Service, 2006). "Approximately 54 to 66 percent of the total estimated population occurs in areas that are already conserved or highly likely to be conserved. Another 14-18 percent occurs in pending NCCP areas, and a high percentage of these will ultimately be conserved permanently." (LSA, 2004). "The gnatcatcher is already at recovery levels within the [Southern] Subregion." The Southern Subregion NCCP is expected to contribute significantly to recovery on a regional basis. (Service, 2006.) The Southern Subregion NCCP Biological Opinion was issued on January 10, 2007.

Additionally, the INRMP for MCB Camp Pendleton provides for (1) the conservation and rehabilitation of natural resources; (2) the sustainable multipurpose use of natural resources, and (3) limited public access to military installations to facilitate the use of these resources. The INRMP includes an ecosystem based approach to land management and is intended to facilitate maximum support for the base's military training mission and infrastructure, while simultaneously promoting both the sustainability of native species and habitat diversity and compliance with applicable laws and regulations. Camp Pendleton sees its primary stewardship responsibilities to ensure the long term landscape diversity required and to support the military training mission and regional biodiversity.

Together, the NCCP/HCP and the INRMP provide regional continuity to conservation efforts, and enhancements to this regional conservation block have higher habitat values than those resources located within the FTC-S disturbance limit. Therefore, conservation of habitat in Upper Chiquita for impacts within the FTC-S disturbance limit provide a net increase in habitat value, making FTC-S consistent with Section **30240**.

Habitat Mitigation and Monitoring Plan (HMMP). Conservation for FTC-S will be managed through a comprehensive Habitat Mitigation and Monitoring Plan (HMMP) which proposes to create and/or restore native grassland, wet meadow, mulefat scrub, southern willow woodland, and southern coast live oak/elderberry woodland habitats within approximately 215.80 acres in and adjacent to Chiquita Creek, located within the San Juan Creek watershed. The primary components of creation involve recontouring uplands that are adjacent to existing wetland/riparian areas in order to promote surface flow of water and restore the floodplain. The recontoured areas will be planted with a variety of wetland/riparian species. The primary components of restoration involve removing the non-native species and replanting the area with native plant species from perennial grassland and southern coast live oak/elderberry woodland communities.

As part of the HMMP, two general areas have been identified as excellent candidate locations for the creation and restoration of wetland, riparian and upland watershed habitats. These areas include:

Mitigation Area A: A 20.80-acre area adjacent to Tesoro High School, located along Chiquita Creek and one of its tributaries. Two principal areas have been identified for habitat restoration and creation along Chiquita Creek, which is bisected by Tesoro High School. This mitigation area is immediately downstream of the 1,182 acre Upper Chiquita Canyon Conservation Area (Conservation Area). The mitigation within Area A will include the following:

- Restoration and creation of 4.66 acres of southern willow woodland;
- Restoration and creation of 4.90 acres of coastal sage scrub/native perennial grassland ecotone;
- Creation of 3.06 acres of mulefat scrub;
- Creation and substantial restoration of 7.31 acres of wet meadow; and
- Creation and restoration of 0.88 acres of oak/elderberry woodland.

Mitigation Area B: A 195-acre area within the 1,182-acre Conservation Area, which is currently managed by the TCA. This site is located south and east of the City of Rancho Santa Margarita and north and west of Oso Parkway. These 195 acres are proposed as part of the amendment to the existing Upper Chiquita Canyon Bank Agreement, which was described above. The conservation bank agreement establishes additional credits for the restoration and enhancement of appropriate habitats within the Conservation Area.

For FTC-S, 13 acres of riparian oak woodland restoration and 182 acres of native grassland restoration are proposed, for a total of 195 acres of mitigation in the Upper Chiquita Canyon Conservation Area. Specifically, the mitigation approach will consist of a combination of 1) habitat restoration and creation within the Chiquita watershed, and 2) upland watershed buffer enhancement, via restoration of native grasslands within the Conservation Area.

In addition, areas within the FTC-S disturbance limits will be revegetated with native grasses, providing habitat for native plant and wildlife species. However, because these areas are within the bounds of MCB Camp Pendleton, they are not to be counted towards habitat mitigation areas.

Sensitive Species Not Impacted by FTC-S in the Coastal Zone. As stated above, habitat impacts were assessed for direct and indirect impacts from construction and use of FTC-S (Focused Summary, Section 2.8). Habitat surveys determined that the following species, while present in the coastal zone in the vicinity of the project, would not be directly or indirectly impacted by FTC-S with incorporation of project design features identified as mitigation measures in the Final SEIR. General mitigation measures including WW 1 through WW 10, apply to all biological resources. (See measures WW 1 through WW 10 in Consistency Response to Section **30233.)**

- **San Diego Fairy Shrimp.** Habitat containing San Diego fairy shrimp will be avoided by FTC-S. A total of 13 depressions occur within the coastal zone portion of the project study area and are along the bluff overlooking Surf Beach in San

Onofre State Beach. Surveys for fairy shrimp conducted in 2001 and 2003 identified San Diego fairy shrimp in 7 of these 13 depressions. These occupied depressions are located more than 500 feet from FTC-S.

Because FTC-S will not directly or indirectly impact the San Diego fairy shrimp or its habitat, no mitigation is required for this species. Project design and drainage features will prevent adverse effects of runoff, erosion, or sedimentation, which will result in maintain existing characteristics and functions of the watersheds.

- **Tidewater Goby.** The tidewater goby may occur within San Mateo Lagoon and San Onofre Lagoon, within the coastal zone. However, San Onofre Lagoon and San Mateo Lagoon will not be directly impacted by FTC-S, or indirectly impacted based on the water quality analysis of the RMP.

  Although not directly or indirectly impacted by FTC-S, in an abundance of caution, the following mitigation measures have been included as project design features of FTC-S:

  - Design and Installation of Wildlife Movement Corridor Bridges and Culverts (WV 15)
  - Installation of Fish Navigable Creek Crossings (WV 21)
  - Invasive Plant Species Minimization (WV 27, 28, and 29)
  - Installation of Fish Passable Culverts (TE 9)

- **Southern Steelhead.** The likelihood of impacts on southern steelhead is extremely low. Although historically known to occur on a regular basis in San Mateo Creek, conditions during most years are unsuitable for this species, which is anticipated to occur in low and infrequent numbers.

  Final design of FTC-S will not impede fish dispersal or significantly modify the bottoms of San Mateo Creek and associated riparian vegetation. San Mateo Creek will be spanned by bridges of FTC-S, and water will flow around the column supports, maintaining existing natural processes within the creek. Therefore, FTC-S would not directly preclude or hinder the return of steelhead to this creek. I-5 bridge support structures are currently present in San Mateo Creek. New columns will not significantly change this existing condition in regards to fish movement. FTC-S includes design and project features consistent with approved Caltrans standards and the RWQCB Water Quality Control Plans for the San Diego and Santa Ana Regions. FTC-S may benefit the steelhead by treating approximately two miles of existing I-5 surface runoff that currently enters San Mateo Creek untreated.

  During construction, there is a low potential for impacts to southern steelhead during spawning runs or dispersal activities, which could disrupt breeding activities or remove individuals. Implementation of FTC-S will include

construction-minimizing measures that will ensure continued access for the steelhead to upstream areas during construction. Therefore, FTC-S is not likely to adversely affect the steelhead.

Although FTC-S does not directly or indirectly impact southern steelhead, in an abundance of caution, these mitigation measures have been incuded as project design features: WV 15, WV 21, and WV 27 through 29, as described above.

- **Arroyo Toad.** Within the coastal zone, surveys have not found this species within the disturbance limits of FTC-S. However, in an abundance of caution, any potential impacts to this species will be prevented through active monitoring and relocation during construction. In addition to mitigation measures identified above (WW 1 through WW 10), the following mitigation measures apply specifically to the arroyo toad:

    - Completion of an Arroyo Toad Resource Management Plan (TE 10)
    - Exclusionary Fencing (TE 11)
    - Focused Arroyo Toad Surveys and Relocation from Construction Area (TE 12)
    - Staging Areas (TE 13)
    - Prevention of Opportunistic Burrowing (TE 14)
    - Limitations on Construction Roads (TE 15)
    - Construction of Artificial Pools (TE 16)
    - Habitat Enhancement (TE 17)

- **Least Bell's Vireo.** Least Bell's vireo is present within the coastal zone, but not with the disturbance limits of FTC-S. Therefore, this species will not be directly or indirectly affected by FTC-S. However, in an abundance of caution, the following mitigation measures have been incorporated into the project:

    - Habitat Clearing and Removal in the Project Footprint (TE 20)
    - Conditions for Habitat Clearing in Breeding Season (TE 21)
    - Construction Limitations during Nesting Season (TE 22)
    - Habitat Preservation and Restoration in Upper Chiquita Canyon Conservation Area (TE 28)

Sensitive Species Outside the Coastal Zone. Although not found in the coastal zone, Pacific pocket mouse surveys have found this species near to the coastal zone boundary. Because of their sensitivity and adjacency to the coastal zone, a summary of impacts to Pacific pocket mouse are summarized below:

- **Pacific Pocket Mouse.** This subspecies is largely restricted to fairly open scrub communities and sandy substrates. The 1995 and 1996 trapping efforts for the Pacific pocket mouse identified one population of this subspecies in the study area near the I-5 and Cristianitos Road interchange. Totals of 33 and 22 individuals were caught at this site during the 1995 and 1996 trapping programs, respectively.

Trapping efforts in June and July 2001 resulted in the capture of three individuals (Focused Summary, Section 2.8). A total of four individuals were trapped during the 2003 focused survey effort. This population is not within the direct impact area of the proposed project.

Several minimization and avoidance measures have been identified for impacts on the Pacific pocket mouse. These measures include WW 1 through WW 5, WW 10, and WV 27 through WV 29, as identified above. In addition to these measures, the following mitigation measures apply specifically to the Pacific pocket mouse:

- Mouse Undercrossing (TE 23)
- Pacific Pocket Mouse Habitat Management Plan (TE 24)

In a letter dated September 30, 2005, the USFWS stated that the increased vulnerability of Pacific pocket mouse posed by FTC-S can be addressed by the adoption of an adaptive management program for the San Mateo North population and the incorporation of the following minimization and conservation measures into the project:

A. With the approval of and coordination with MCB Camp Pendleton, establish an endowment and hire an entity to adaptively manage the Pacific pocket mouse population at San Mateo North. The amount of the endowment must be supported through a property analysis record or another similar cost calculation method that is indexed for inflation and incorporates funding for 1) invasive species control, 2) habitat management and enhancement, 3) predator control, 4) control of public access, 5) Pacific pocket mouse population monitoring and augmentation, and 6) contingencies.

B. Construction of a barrier to small mammal movement along the entire western edge of the roadway alignment in the San Mateo North area to prevent Pacific pocket mouse from entering the roadway and getting killed.

C. Minimization and shielding of all roadway lighting, including light case by vehicle head and tail lights, from adjoining habitat areas. This measure may require the construction of a block wall or other solid shielding to prevent light from entering adjoining habitat. All walls constructed adjoining Pacific pocket mouse habitat shall be constructed to minimize perching opportunities of owls and other avian predators.

D. Minimizing the potential for fire ignitions associated with toll road construction and usage to travel into adjoining habitat. This measure should minimize the width of any fire break by means of engineering (e.g., block or crib walls adjoining habitat).

E. Development of a fire response plan in coordination with the local fire agencies to minimize the detrimental effects of fire suppression activities in the habitat should a fire occur.

The USFWS states in the September 30, 2005 letter that with the implementation of these additional conservation measures, a preliminary determination can be made that construction of FTC-S will not appreciably reduce the likelihood of the survival and recovery of Pacific pocket mouse.

The mouse barrier wall, recommended by the USFWS conservation measure "B", above, will be constructed along the western edge of the project. The mouse barrier wall will be a block wall 18 inches high and 5,900 feet long, a small portion of which falls within the coastal zone. The mouse undercrossing described above will be located at the southern end of the mouse barrier wall, to provide a safe crossing point. A drainage culvert will be located at the northern end of the mouse barrier wall to provide the same (Roadway Description and Related Design Features in the coastal zone, Section III.E.3).

During construction, a temporary barrier will be constructed along the western disturbance limit of the project to keep mice out of the construction zone. This barrier will be left in place until the final mouse barrier wall and culvert crossings are complete. Final design and construction methodology of the mouse barrier may change pending the completion of a Biological Opinion and through ongoing coordination with the USFWS (Roadway Description and Related Design Features in the coastal zone, Section III.E.3).

As part of the Pacific pocket mouse Management Plan, the DON has agreed to allow this mitigation to be located on MCB Camp Pendleton because the San Mateo North population of the Pacific pocket mouse is necessary for the survival and recovery of this species.

Wildlife Crossings. FTC-S design includes several wildlife crossings to mitigate effects on wildlife movement. While outside of the coastal zone, incorporation of wildlife crossings into the project design is consistent with the NCCP/HCP.

The NCCP/HCP identifies several important linkages connecting open space habitat areas within the vicinity of FTC-S. Out of the 20 habitat linkages and wildlife movement areas identified from field surveys in the NCCP/HCP planning area, 15 are applicable to the wildlife corridor existing conditions in the FTC-S biological study area. Bridge, arch culverts, and box culverts that provide for wildlife undercrossings of FTC-S have been incorporated into the project design at locations that are consistent with the linkages identified pursuant to the NCCP/HCP guidelines.

Wildlife monitoring reports for Bonita Canyon Drive, the San Joaquin Hills Toll Road, FTC-North, and FTC-Eastern are available and have been provided. Wildlife known to use the crossings includes mule deer, coyote, bobcat, mountain lion, grey fox, raccoon, opossum, and birds and lizards.

Public Resources Code §30240(b): *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

Summary. FTC-S is consistent with the goal of siting and designing projects to prevent significant degradation of sensitive habitat areas through the elimination of several project alternatives with extensive impacts to biological and habitat resources, and the incorporation of design features that reduce impacts and provide enhancement to sensitive habitat areas, such as water quality treatment infrastructure and wildlife crossings.

Comment and Analysis

Project Siting. As discussed Section III.B. of this Consistency Certification and Analysis, during the ongoing analysis of project alternatives, several alternatives were eliminated from consideration due to significant biological impacts. The NEPA/Section 404 MOU process, which provided for federal resource agency coordination in identifying the project Statement of Purpose and Need, selecting Alternatives for evaluation, and agreement of the Preferred Alternative leading to identification of the Least Environmentally Damaging Practicable Alternative (LEDPA). The federal agencies that participated in this integration process (U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, Federal Highway Administration, Caltrans, and the U.S. Marine Corps) are collectively referred to as the "SOCTIIP Collaborative" and, together, the Collaborative developed the project Alternatives evaluated in the Draft EIS/SEIR.

The SOCTIIP Collaborative identified several Alternatives for evaluation. It was during this time that the Central Corridor-Complete (CC-Alternative, previously referred to as the BX Alternative) and the Far East Alternative (CP Alternative) were evaluated to determine optimal alignments. The TCA/FHWA defined the Alignment 7 Corridor Alternative (A7C Alternative) as an alternative to the CC Alternative to avoid and/or reduce impacts to the significant biological resources in the upper and middle Chiquita areas. The A7C-Alternative represents a shift to the east to move the alignment out of Cañada Chiquita including its primary drainage course and to avoid the wetlands area at the confluence of Cañada Chiquita and San Juan Creek, and at the Segunda Deshecha wetlands complex. See ***Table 1, History of FTC-S Alternatives*** in Section III.B. of this Consistency Certification and Analysis.

In November 2000, the SOCTIIP Collaborative concurred on the Alternatives to be evaluated in the technical studies supporting the Draft EIS/SEIR. The Collaborative agreed to 24 Alternatives for evaluation in the technical analysis. These include 20 toll road Alternatives, 2 non-toll road Alternatives and 2 no action Alternatives. During Phase II of the SOCTIIP Collaborative (January 2001-Present), the TCA sought to further refine the alternatives to minimize impacts to sensitive environmental resources as described in the Final SEIR. FTC-S is the adopted alignment described in the Final SEIR.

The NEPA/Section 404 MOU process then identified the Least Environmentally Damaging Practicable Alternative (LEDPA). The LEDPA selection process included a practicability analysis, which eliminated all but three project alternatives. Of these three, the adopted alignment A7C-FEC-M (now FTC-S) was selected, as it was found to:

- Allow the greatest wildlife connectivity
- Not cross Canada Gobernadora
- Minimize impacts on open space areas contemplated by the NCCP

Water Quality Design Improvements. FTC-S includes construction of roadway runoff water treatment infrastructure, including extended detention basins and a series of bioswales, for both SR-241 and approximately two miles of I-5. Currently, roadway runoff from this two-mile segment is not being treated. Untreated and polluted runoff is currently released into San Mateo and San Onofre Creeks, and ultimately the Pacific Ocean. Therefore, project design will enhance the current condition of wetland and marine resource areas. For detailed discussion and description of these water quality improvements, see the Consistency Review for Section **30231**.

Wildlife Crossings and Other Structures. FTC-S includes construction of several wildlife crossings and a mouse barrier wall to protect habitat area and resources. For a detailed discussion and description of these project features, see the Consistency Review for Section **30240(a).**

Public Resources Code §30241: *The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:*

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.

(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

Not Applicable. This policy is not applicable to the consistency review of FTC-S as no agricultural land is currently in production within the project footprint in the coastal zone.

Comment and Analysis

Former Agricultural Uses. Former agricultural uses were present in an approximately three acre are adjacent to the I-5. These areas were never subject to the restrictions of agricultural preserves under the Williamson Act because they were federally owned, and were leased from the federal government for agricultural use. This agricultural lease expired in December 2005 and has not been renewed. This area is not used for military training. Use of the former agricultural fields for military training is consistent with the mission of MCB Camp Pendleton and consistent with the military's stated intent of preserving its existing lands for training purposes (Focused Summary, Section 2.2).

Prime Farmland. Although approximately three acres of prime farmland have identified within the project study area within the coastal zone, none are currently in production. 2.94 acres of prime farmland, not in production, is located within the FTC-S disturbance limits, within the coastal zone.

Mitigation. There are no measures applicable to agricultural resources in the coastal zone. Mitigation measures AG-1 and AG-2 address existing operations on RMV. While mitigation measure AG-3 applies to the agricultural resources on MCB Camp Pendleton, is no longer applicable because all agricultural operations on MCB Camp Pendleton have ceased. In brief, AG-3 required that access be continued to the agricultural operations in the leased areas.

Public Resources Code §30241.5(a): *If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:*

(1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

(2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a

propose local coastal program or an amendment to an y local coastal program.

Not Applicable. This policy is not applicable to the consistency review of FTC-S as no agricultural land is currently in production within the project footprint in the coastal zone. This land will be used by MCB Camp Pendleton for military training purposes. For a discussion and description of former agricultural uses, presence of prime farmland, and relevant mitigation, see Consistency Review for Section **30241**.

Public Resources Code §30241.5(b): *The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.*

Not Applicable. This policy is not applicable to the consistency review of FTC-S as no agricultural land is currently in production within the project footprint in the coastal zone. For a discussion and description of former agricultural uses, presence of prime farmland, and relevant mitigation, see Consistency Review for Section **30241**.

Public Resources Code §30242: *All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

Not Applicable. This policy is not applicable to the consistency review of FTC-S as no agricultural land is currently in production within the project footprint in the coastal zone. For a discussion and description of former agricultural uses, presence of prime farmland, and relevant mitigation, see Consistency Review for Section **30241**.

Public Resources Code §30243: *The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units noncommercial size shall be limited to providing for necessary timber processing and related facilities.*

Not Applicable. This policy is not applicable to the consistency review of FTC-S, as no timberland exists within the project footprint in the coastal zone.

Public Resources Code §30244: *Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

Summary. FTC-S is consistent with the goal of mitigating impacts to archaeological and paleontological resources by complying with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended) and 36 Code of Federal Regulations (CFR) Part 800, and by identifying minimization, avoidance, monitoring, preservation, and recordation mitigation measures for impacts to cultural resources.

Comment and Analysis

Archeological Impacts. 10 previously recorded historic and archeological sites have existed within the project footprint of FTC-S within the coastal zone. An eleventh site is located just outside of the coastal zone, but is included within the same historical 'district', the San Mateo Archeological District (SMAD) (Focused Summary, Section 2.11). These eleven impacted sites include:

- CA-SDI-1,074 (recommended to be eligible for National Register state)
- CA-SDI-1,075 (eligibility for National Register Status undetermined)
- CA-SDI-4,412 (eligibility for National Register Status undetermined)
- CA-SDI-13,324 (eligible for National Register Status)
- CA-SDI-13,325 (eligible for National Register Status)
- CA-ORA-22/CA-SDI-13,071 (eligible for National Register Status)
- CA-SDI-4,282 (eligible for National Register Status)
- CA-SDI-4,535 (eligible for National Register Status)
- CA-SDI-8,435 (eligible for National Register Status)
- CA-SDI-11,703 (eligible for National Register Status)
- CA-SDI-11,929 (eligible for National Register Status)

Detailed descriptions of each of these archeological resources can be found in the Focused Summary of Environmental Impacts in the coastal zone, Section 2.11 "Historic and Archaeological Resources."

Paleontological Impacts. The following paleontological resources have been found within the project footprint of FTC-S within the coastal zone during field surveys. However, the following types of paleontological formation areas with moderate or high sensitivity are present (Focused Summary, Section 2.18):

- San Mateo Formation
- Marine Terrance Deposits

Additionally, two formations with low sensitivity were also present (Focused Summary, Section 2.18):

- Young Stream Terrace Deposits
- Holocene alluvium

Mitigation. Mitigation measures for archeological impacts are included in the Final SEIR, and described in brief below (Focused Summary, Section 2.11):

- Retaining of a Qualified Archaeologist and Native American Monitor (AR 1)
- Historic Property Treatment Plan for Eligible Resources (AR 2)
- Monitoring Plan for Resource Surveillance (AR 3)

Although no paleontological resources were identified during field surveys, sediments mapped within the project area have sensitivity ratings from high to low for containing paleontological resources. Mitigation measures for paleontological impacts are included in the Final SEIR, and described in brief below (Focused Summary, Section 2.18):

- Pre-Construction Salvage (P 1)
- Monitoring Procedures (P 2)
- Construction Monitoring (P 3)

The mitigation measures identified reflect the progression of the phased application of the criteria to a project-level analysis for FTC-S. As the phased approach allows, additional archeological resources were identified as a result of the additional surveys that were completed and information that was made available. The mitigation measures are reasonable because they provide appropriate protection for resources through project-level evaluation and treatment – including project design modifications if feasible to avoid or minimize impacts to resources – in accordance with a negotiated Memorandum of Agreement, and monitoring of all grading and earth moving activity in accordance with an approved monitoring plan.

E. Consistency with Coastal Act Article 6 – Development

Public Resources Code §30250(a): *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

Not applicable. Although FTC-S is not a new residential, commercial, or industrial development, within the coastal zone FTC-S is sited as close to existing development in San Clemente as feasible, maximizing the contiguous area to the south of the alignment on Camp Pendleton.

Comment and Analysis

Project Location. FTC-S is a regional transportation corridor to serve projected traffic levels in south Orange County. It traverses an area between Oso Parkway and I-5, extending the existing FTC-N, which is within an area approved for development and committed open space by the Orange County Board of Supervisors. The Proposed Project provides access through the RMV Ranch Plan project area but is sited to minimize impacts to open space areas by going through or adjacent to the development "bubbles," areas for which development is approved. FTC-S will not induce new growth and development beyond that which is included in adopted plans, as evidenced by the fact that it has been jointly planned by the County in the Circulation and Land Use Elements of the County General Plan since 1981, as well as in the Orange County Long Range Transportation Plan.

Public Resources Code §30250(b): *Where feasible, new hazardous industrial development shall be located away from existing developed areas.*

Not Applicable. This policy is not applicable to the consistency review of FTC-S as no hazardous industrial development is proposed as part of the project.

Public Resources Code §30250(c): *Visitor-serving facilities that cannot feasibility be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*

Not Applicable. This policy is not applicable to the consistency review of FTC-S as no visitor serving facilities are proposed as part of the project.

Public Resources Code §30251: *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Summary. FTC-S is consistent with Section 30251 of the Coastal Act requiring the protection of visual qualities of coastal areas, through site design and the minimization of the alteration of landforms, the inclusion of visual mitigation measures, the provision of new ocean views and visual benefits, and

Comment and Analysis

Visual Setting and Sensitive Viewers. A Visual Impact Assessment (VIA) was prepared to assess the effect of the project on visual resources, including regionally significant

viewsheds, the views of sensitive viewers, etc. project wide. The VIA included before and after visual simulations, and assessed the impacts on visual quality through the application of a 7-point rating system based on vividness, intactness, and unity of views. Visual impacts were considered to be "Substantial" if the negative change in visual quality for sensitive viewers was equal to or more than 1 (Visual Impact Assessment Technical Report, Section 4.5.3).

The VIA organized the development of the entire Foothill Transportation Corridor into a number of Assessment Units (AU). AU33 is the segment that includes that portion of FTC-S within the coastal zone. Within AU33, views include the following (Focused Summary, Section 2.13):

- San Onofre 1 military housing area on MCB Camp Pendleton
- San Onofre State Beach (SOSB)
- Upper Trestles Surfing Area
- San Mateo Point housing on MCB Camp Pendleton

Sensitive viewers in the coastal zone include users of SOSB and the residents of San Mateo Point and San Onofre 1 military housing. Motorists along I-5 in the vicinity of the project are also sensitive users because this part of I-5 is designated as scenic by the County of San Diego. Some residents in San Clemente, at higher elevations to the northwest of FTC-S will also have view of the corridor (Focused Summary, Section 2.13).

Impacts. A total of 7 viewsheds within the coastal zone are analyzed for FTC-S within AU33. A viewshed is defined as the area within 2 km (1.25 miles) of the alignment that can be seen from the alignment and from which the alignment can be seen. At greater distances, intervening topography, buildings, or trees and shrubs generally blocked views of the alignments from developed areas. Each viewshed is analyzed for the impacts associated with sensitive viewers (residents of San Mateo Point housing and San Onofre 1 housing on Camp Pendleton, recreational users of San Onofre State Beach, including hikers, boaters, and surfers, and motorists along I-5, which is designated a scenic corridor as it passes through AU33), non-sensitive users (employees, agricultural workers, motorists on Cristianitos Road and Basilone Road, and military personal on Camp Pendleton), and regionally significant viewsheds (Focused Summary, Section 2.13).

Of the 7 coastal zone viewsheds analyzed for AU33, the VIA identified 2 for which no adverse visual impacts are identified:

- View 33B: Looking west from San Onofre Housing on Camp Pendleton
- View 33C: Looking northwest from a point located north of Camp San Mateo Cantonment Area on Camp Pendleton

Of the 7 coastal zone viewsheds analyzed for AU33, the VIA identified 4 which will experience adverse visual impacts, but the level of the impact is not considered substantial because the difference in quality of existing and proposed conditions is minimal:

- View 33D: Looking northeast from San Onofre State Beach Trail
- View 33E: Looking northeast towards San Mateo Creek from upper Trestles surfing area, off coast
- View 33F: Looking northeast towards Basilone Road from San Onofre State Beach
- View 33G: Looking northeast towards Basilone Road from Upper Trestles surfing area

Of the 7 coastal zone viewsheds analyzed for AU33, the VIA identified 1 which will experiences adverse visual impacts of substantial magnitude:

- View 33H: Looking southeast from San Mateo Point Housing on Camp Pendleton

Mitigation. FTC-S will incorporate project design features and mitigation measures to reduce the adverse impacts identified above, including guidelines for retaining walls and landscape requirements requiring design components and plant materials intended to reduce the visual impacts of FTC-S on sensitive viewers.

It is infeasible to completely avoid this significant effect, due to the economic, social and other considerations described in Section 5.0, the Statement of Overriding Considerations, of the Final SEIR. The mitigation measures summarized below are identified in the Final SEIR, and were developed to minimize as much as possible the adverse impacts on visual resources (Focused Summary, Section 2.13):

- Re-contouring of Adjacent Landforms (AS 1)
- Preparation of Landscape Design Guidelines (AS 2)
- Partial Interchange and Other Lighting Standards (AS 4)

Visual Benefits. The Proposed Project will create new views of the ocean and coastal resources. The Proposed Project includes an elevated southbound connector from SR 241 to I 5. Vehicles traveling on southbound SR 241 will experience sweeping views of the coast. The proposed extension of SR 241 will provide new, publicly accessible views of the coast. In addition, because of the congestion relief provided, the project permits recreational users to enjoy coastal views.

Public Resources Code §30252: *The location and amount of new development should maintain and enhance public access to the coast by:*

(1) Facilitating the provision or extension of transit service,

(2) Providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads,

(3) Providing non-automobile circulation within the development,

(4) Providing adequate parking facilities or providing substitute means of serving the development with public transportation,

(5) Assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by

(6) Assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

This policy is not applicable to the consistency review of FTC-S as FTC-S is a highway project with connector ramps and bridges in the coastal zone. FTC-S neither includes nor precludes the provision of transit service on the proposed highway within the coastal zone. Traffic models used to assess the potential of a transit alternative found transit to be an infeasible alternative to FTC-S. However, FTC is compatible with future expansion of transit service in Orange County and north San Diego County, should land development patterns and other feasibility constraints to transit be alleviated in the future.

Comment and Analysis

Consideration of a Transit Alternative. A mass transit alternative was considered during the NEPA/404 MOU Process, but not carried forward to evaluation in the Draft EIS/SEIR. This alternative assumed a light rail transit (LRT) system in lieu of general purpose and HOV travel lanes (Final SEIR, Secton 2.0).

The OCTAM 3.1 traffic model, which is the basis for the traffic forecasting for the SOCTIIP, assumes the OCTA's transit services were in place in September 2000 for the base-year conditions. The 2025 transit conditions in the OCTAM 3.1 model used in SOCTIIP assume that there will be improvements to select route headways, no new local routes and an approximate 50 percent increase in local bus service. Since there are no plans or findings committed to implementing a light rail transit system in southern Orange County at this time, none are assumed in the OCTAM 3.1 model. The Collaborative considered existing planning for transit improvements by the OCTA, the nature of the existing traffic system in Orange County and OCTA's analysis of future traffic patterns and travel mode choices by Orange County drivers.

Based on these considerations and the inability of a transit-only Alternative to meet future demand as articulated in the Statement of Purpose and Need for SOCTIIP, The Collaborative chose not to evaluate a mass transit Alternative in the Draft EIS/SEIR.

Existing development patterns in the project area do not meet these general criteria for LRT feasibility. The largest single areas of employment and commercial uses in the SOCTIIP area are, from south to north, downtown San Clemente, Rancho Santa Margarita Business Park in Rancho Santa Margarita and the Irvine Spectrum at the intersection of I-5 and Interstate 405 (I-405). The former Marine Corps Air Station (MCAS) El Toro site, north of I-5 and I-405, is currently being planned for civilian reuse by both Orange County and the El Toro Reuse Planning Authority. Based on the passage of Measure W in the March 2002 election, potential future uses on the El Toro site are anticipated to include institutional, cultural, recreation, residential and open space uses. Downtown San Clemente and the Rancho Santa Margarita Business Park do not include sufficient business/commercial space to meet the minimum requirement of 4.6 million square miles (50 million square feet) to support LRT. At build out, the Spectrum may meet this minimum requirement. In summary, there is no single major concentrated node of business and commercial uses south of the I-50/I-405 interchange that meets the minimum standard for supporting LRT in south Orange County.

Transit Evaluations for Orange County. The determination that LRT is not feasible or planned for the SOCTIIP area is consistent with several OCTA studies described below, which do not call for fixed rail transit in this part of Orange County or along either this segment of I-5 or the southern segment of the FTC.

- **OCTA Regional Rail Evaluation** In November 1990, Orange County voters approved Measure M, a half-cent local sales tax increase to fund transportation improvements. The improvements in the Measure M program are the rebuilding of the County's freeway system; development of a system of high speed arterials; improvements to the local street system; implementation of TSM and transportation demand management (TDM) measures to more efficiently use existing transportation resources; and development of a high capacity urban rail system in Orange County.

  Since the passage of Measure M, the OCTA has conducted extensive studies to evaluate various LRT options for Orange County and to assess the environmental impacts associated with LRT. The OCTA completed the location system planning process as documented in the Countywide Rail Study Final Report: Long Range Transit System Plan – Development Strategy (OCTA, October 1991), which resulted in the development of a 47-mile "Initial Urban Rail Network" and the selection of a priority corridor for more detailed study. No LRT corridors were identified in south Orange County in this study, based on overall densities and the lack of concentrated, high-density commercial/industrial centers.

- **OCTA Centerline Project.** In December 2000, the OCTA issued a Supplemental Draft EIS/EIR for the proposed CenterLine LRT project. Alternatives considered in that Draft EIS/EIR included a variety of LRT alignments in central and northern Orange County. The southernmost extension of the LRT alternatives was to the Irvine Transportation Center, southeast of the El Toro site and north of

the Irvine Spectrum. No LRT alignments were considered in south Orange County, based on overall densities and the lack of concentrated, high density commercial and industrial centers. In spring 2001, based on substantial controversy in many of the cities along the proposed LRT alignments, the OCTA temporarily terminated planning and the environmental process for the CenterLine. In early 2002, the OCTA re-initiated study for the CenterLine project in the future, focusing on building consensus for a starter or initial phase project in cities in the central and northern parts of the County. There is no indication from the OCTA that LRT would be considered in the SOCTIIP area in south Orange County in the foreseeable future because LRT would not be cost effective and existing and planned land uses are not supportive of LRT.

- **OCTA Fast Forward a Long-Range Transportation Plan.** The "Fast Forward Plan" (OCTA, July 27, 1998) provides a strategy for managing future transportation needs in Orange County and specifically identifies a program to:

  - Increase commuter rail services and station locations. No new stations are proposed in the SOCTIIP area although increased service is anticipated to be provided on the existing commuter rail line, which extends across the SOCTIIP area in south Orange County, from the City of San Clemente to the City of Irvine.
  - Implement a 28-mile urban rail system in central Orange County. The southern most station on this system would be in the vicinity of the I-5/I-405 interchange. This program component is expected to be refined to focus on a starter or initial phase CenterLine project in the north and central parts of Orange County as described earlier. There are still serious doubts about the feasibility of such a system and, at this time, there are no guarantees that such as system will be built.
  - Increase bus service countywide.

- **Other Rail Transit.** In addition to the LRT studies described above, Amtrak, Caltrans and the California High Speed Rail Authority (CHSRA) are evaluating possible commuter or heavy rail improvements in south Orange County. These potential improvements include increased levels of commuter service on the existing Metrolink alignment in the Los Angeles to San Diego (LOSSAN) corridor; possible double tracking of the existing rail alignment in the southern Orange County part of the LOSSAN corridor; and high speed rail (HSR) from San Diego to San Francisco, with possible alignments along the coast or inland in south Orange County. However, all these services would be limited stop commuter/intercity services and would not effectively serve the same type of market as an LRT system.

Public Resources Code §30253: *New development shall:*

(1) Minimize risks to life and property in areas of high geologic, flood and fire hazard.

Summary. FTC-S is consistent with Section **30253** requiring the minimization of risks to life and property due to geologic, flood, and fire hazards by avoiding known areas of active faults, establishing mitigation measures to reduce liquefaction, landsides, and other geologic hazards, flooding and fire.

Comment and Analysis

Geologic Hazards. Within the coastal zone, FTC-S is located at the confluence of several mountain ranges in the Peninsular Ranges geomorphic province. The Santa Ana Mountains are located to the north and northeast, and the Santa Margarita and San Onofre Mountains are located to the east at the southern end of the project (Focused Summary, Section 2.15).

No known faults are mapped as crossing or project toward FTC-S in the coastal zone in available geologic literature. Several active faults exist within the region that could produce ground shaking along FTC-S. The nearest active fault is the Newport-Inglewood-Rose Canyon Fault located offshore approximately four miles (Focused Summary, Section 2.15).

Quaternary age alluvial deposits have been mapped in the coastal zone along FTC-S. These generally unconsolidated sedimentary deposits may experience some seismic settlement during strong ground shaking from a seismic event. The roadway and bridges will be designed to accommodate any seismic settlement that is estimated to occur (Focused Summary, Section 2.15). No landslides have been mapped in close proximity to FTC-S within the coastal zone (Focused Summary, Section 2.15).

Mitigation measures for geologic hazards are identified by the Final SEIR and summarized below:

- Preparation of a Geotechnical Report (G 1)
- Side Slope Design (G 2)
- Native Vegetation for Erosion Control and Stability (G 3)
- Quality Assurance/Quality Control Plan (G 4)
- Location of Groundwater Wells (G 5)

Flooding Hazards. The Proposed Project includes PDF's 9-1 through 9-9 (Appendix B, MMRP) that address hydrology and water quality and ensure that potential adverse impacts are avoided.

Potential hazards related to flooding are addressed in Section 4.8 of the Final SEIR. FTC-S could potentially affect the increase in the 100-year expected value discharge without proper design or implementation of BMPs/PDF's. EIS/SEIR Tables 4.8-19 and 4.8-20 shows that the increase in the peak flow rate and runoff volumes is addressed in the hydrologic analysis. The increased impervious area due to the pavement and increases in localized watershed areas due to roadway grading, are adequately addressed with the implementation of PDF's. Specifically, these PDF's include EDBs, which are sized to

include a contingency volume to attenuate excess flows from the on-site roadway and, therefore, protect downstream natural channels from scour. Structures would be placed within 100-year flood hazard areas; however, flows would be diverted to containment BMPs or rip rapped areas to reduce flow velocity and flooding of waterways. EDBs, BMPs, and other water quality measures are described in detail in Section 4.9 in the EIS/SEIR. There will be no increase in risk relative to flooding (Final SEIR, Section 4.8).

PDF's are also incorporated to prevent and mitigate construction impacts to floodplains, waterways, and hydrologic systems. PDF's include design and facility strategies to address scour, 100-year flood protection, sediment loading/scour, erosion, and water quality/erosion.

Tsunami Hazards. A potential tsunami hazard to FTC-S occurs at the connection of FTC-S and I-5. To evaluate the potential hazard, the elevation of FTC-S and the existing I-5 embankment were reviewed. The embankment would provide some protection from a tsunami, and a comparison of that information was made in relation to wave height estimates. According to the Office of Emergency Services, there is no published data that specifically addresses the area at San Mateo Creek relative to potential tsunami wave heights. However, information for other areas along the California coast suggests that wave heights from tsunami may range from about 10 to 40 feet. The existing I-5 embankment across much of San Mateo Creek is at an elevation of approximately 65 feet, and therefore, the embankment would provide effective protection to the south end of the Preferred Alternative. There is, however, a potential for wave run-up to travel under the existing bridge over San Mateo Creek, and up San Mateo Creek toward FTC-S. Considering that wave height and energy would be reduced after crossing under the bridge and then spreading out across the valley floor, and that the road would be at an elevation of approximately 65 feet, the potential hazard due to tsunami is considered less than significant.

Fire Hazards. FTC-S will not substantially increase the risk of wildfire. Users of any limited access highway facility, including FTC-S, would not be expected to use the highway facility as an access point to adjacent lands, except at the formal access/egress points provided at interchanges. FTC-S would provide increased public access to the study area; however, the entire alignment of the corridor facilities would be fenced, in part, to restrict access to adjacent land uses by users of the facility.

There are three interchanges proposed within a distance of approximately four miles. From north to south, interchanges are proposed at Oso Parkway, C Street, and Cow Camp Road. These access points to FTC-S provide sufficient fire department and emergency access. Also, wildlife fencing is designed both to prevent animals from entering the road and to deter unauthorized human entry to areas adjacent to the corridor. See Consistency Review for Section **30212** for discussion on public safety and access.

Mitigation. Mitigation for fire protection includes measures that require (1) the installation of signs around construction sites warning of high fire risk and of area closings during the high fire season, as declared by Orange County Fire Authority

(OCFA) or the MCB Camp Pendleton Fire Department; (2) the maintenance of access to the existing fire road grid for the OCFA and the MCB Camp Pendleton Fire Department for areas on MCB Camp Pendleton during and after construction; (3) the implementation of fuel modification techniques as required by the OCFA and the MCB Camp Pendleton Fire Department; (4) the installation of signs along the new or improved road segments in areas subject to wildland fires as determined by the OCFA or the MCB Camp Pendleton Fire Department; and (5) the installation of emergency call boxes along the road in undeveloped areas of high and extreme fire hazard.

Fire Safety Benefits. Beneficial impacts of FTC-S include the enhanced ability to move fire protection resources from one area to another using the corridor and the firebreak properties that the road provides in the event of a wildfire. These benefits of toll roads have been realized in the past, specifically for the Anaheim Hills fire in February 2006 (SR-241) and for the Coto de Caza/Rancho Santa Margarita fire in May 2002. During these wild fires, the toll road served not only to provide emergency vehicle access to fire areas and evacuation routes for residents, but was also used effectively as a fire "break" for the control and containment of the fire.

Evacuation Benefits. FTC-S offers emergency evacuation benefits, as I-5 is the major emergency evacuation route for SONGS and is the only non-signalized evacuation route between SONGS and I-405 to the north. Ortega Highway, north of SONGS, provides a route from I-5 to the east that is two lanes and non-signalized over most of its length. FTC-S would provide an additional evacuation route from I-5 immediately south of San Clemente to Ortega Highway and SR-241 north of Ortega Highway and east of I-5. For further discussion of emergency evacuation access issues, see Consistency Review for Section **30210.**

Public Resources Code §30253: *New development shall:*

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Summary. FTC-S is consistent with Section **30253** of the Coastal Act the assurance of stability and structural integrity, by avoiding significant contribution to erosion, geologic instability, or destruction of the site of surrounding area through the incorporation of mitigation measures.

Comment and Analysis

There is no alteration of bluff and cliff landforms within the coastal zone (LSA Memo, 2/2/07, pg. 1). Erosion could occur along the project alignment, if not properly controlled, however, project design and construction will include measures to protect slopes from erosion, so that at completion of construction, there would be no net increase in erosion over natural conditions (Geotechnical, Geology, and Soils Technical Report, Section

7.1.5.1). Additionally, potentially unstable cut slopes will be mitigated through remedial grading, which will provide stable slopes at completion. Stability of trench wall construction will be provided in final design studies, and site-specific recommendations, along with standard construction safety requirements will be adhered to.

Project design and construction will include features to protect slopes from erosion, so that at construction completion, there would be no net increase in erosion over natural conditions (SOCTIIP EIS/SEIR, Section 4.20).

Public Resources Code §30253: *New development shall:*

(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

Summary. FTC-S is consistent with Section **30253** of the Coastal Act, as the project will comply with all local and State air pollution regulations.

Comment and Analysis

Air Pollution Regulations. Consistent with the provisions of the federal Clean Air Act, neither the air pollution control districts nor the Air Resources Board (ARB) imposes requirements for particular transportation projects. Rather, pursuant to the conformity review provisions of the federal Clean Air Act, Metropolitan Planning Organization (MPO) and DOT make consistency determinations for transportation plans, programs, and projects. Air quality issues are addressed in Section 4.7 of the Final SEIR and in the Responses to Comments document.

"Transportation conformity is a Clean Air Act requirement for transportation plans, programs, and projects to conform to state air quality plans. Conformity to a state air quality plan means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national air quality standards (65 Fed. Reg. 18912)." SCAG is the federally designated MPO for the six-county region, which include Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties. As the MPO, SCAG is required to adopt and periodically update an RTP. SCAG also prepares and implements the RTIP and the regional Growth Management Projections. The SR-241 Extension is shown in the 2004 RTP as an extension of the existing FTC-N from the San Diego County line to Oso Parkway, with two mixed-flow lanes in each direction by 2010 and two additional mixed-flow lanes in each direction by 2015. An alignment similar to the alignment of the A7C-FEC-M Alternative is mapped in the RTP as a programmed part of the transportation network baseline and is assumed in the modeling for the RTP.

SCAQMD is the air pollution control agency for the four-county region, which includes Los Angeles and Orange Counties and parts of Riverside and San Bernardino Counties. An alignment similar to the alignment of the A7C-FEC-M Alternative is included in the modeling for the Air Quality Management Plan (AQMP). As defined in the AQMP

modeling, the SR-241 Extension is described as an extension of SR-241 from Oso Parkway to I-5. Therefore, the SOCTIIP Alternative, A7C-FEC-M, which proposes an extension for SR-241 from Oso Parkway to I-5 in San Diego County, is consistent with the RTP and the AQMP modeling. In addition, the SR-241 Extension is designated as a Transportation Control Measure in the regional plans.

SANDAG is the State and federally designated MPO responsible for regional transportation planning for San Diego County. SANDAG prepares and implements two regional plans: the RTP and RTIP for San Diego County. An alignment similar to the A7C-FEC-M alignment is included in the SANDAG RTP. As defined in the SANDAG RTP, FTC-S is described as an extension of SR-241 from Oso Parkway to I-5 in San Diego County. Therefore, the SOCTIIP Alternative, A7C-FEC-M, which proposes an extension of SR-241 from Oso Parkway to I-5 in San Diego County, is consistent with the SR-241 Extension as defined in the SANDAG RTP.

In conclusion, a SR-241 Extension Corridor Build Alternative is listed in the SCAG RTP, and conformity has been determined for the RTP. The Proposed Project does not (1) create new violations of the federal air quality standards; (2) increase the frequency or severity of existing violations of the standards; or (3) delay attainment of standards. Therefore, it is in conformity with the applicable SIP.

Public Resources Code §30253: *New development shall:*

(4) Minimize energy consumption and vehicle miles traveled.

Summary. FTC-S is consistent with Section 30253 of the Coastal Act requiring the minimization of energy consumption by increasing regional transportation access and reducing congestion regionally and locally.

For detailed discussion of the effects of FTC-S on regional and local access, see Consistency Review for Section **30210.**

Comment and Analysis

Energy consumption and vehicle miles traveled (VMT) are addressed in Section 4.19 of the EIS/SEIR. Consumption is addressed under two future development scenarios: (1) with development in the study consistent with the projections in Orange County Projections—2000 (OCP2000); and (2) with development of the RMV property with approximately 14,000 dwelling units.

With implementation of the FTC-S and assuming development of the RMV Ranch Plan, the 2025 VMT for passenger vehicles, heavy trucks, and buses are projected to be 141.281 billion miles. Vehicles operating in the circulation system study area are anticipated to expend approximately 1,204,113 billion BTUs or approximately 33.006 billion liters (207.606 million barrels) of oil. As a result, the Proposed Project with the RMV Plan would result in a very small increase of energy consumption compared to the

No Action Alternative with the RMV Plan. On an annual basis, the SR-241 Extension would consume approximately 60 billion BTUs or 11,000 barrels of crude oil (two million liters) more than the No Action Alternative-RMV Plan. Although the SR-241 Extension would result in a very small increase in energy consumption compared to the No Action Alternative, the change in consumption would amount to substantially less than 1 percent (0.00498 percent). The proposed project will result in vehicles using the facility and reducing use of I-5 and arterial roadways. While this will cause a very slight increase in VMT, there is a corresponding decrease in congestion and in vehicle hours traveled. Therefore, the SR-241 Extension would not result in a substantial change in energy consumed on an annual basis.

In addition, FTC-S will increase regional transportation capacity and move traffic off of the congested I-5 and arterials. Therefore, the FTC-S is expected to yield increased regional transportation efficiency in terms of vehicle hours traveled and energy use. For purposes of recreational use access, FTC-S provides improved regional access to coastal areas and, in this way, helps reduce VMT associated with recreational use of the coastal zone.

As a result of improvements in vehicle speeds associated with FTC-S, implementation of the project results in a reduction in regional emissions of several hundred thousand pounds of CO_2 daily, as compared with future conditions without implementation of the project.

Public Resources Code §30253: *New development shall:*

(5) Where appropriate, protect special communities and neighborhoods, which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Summary. FTC-S is consistent with Section 30253 of the Coastal Act requiring the protection of coastal communities and neighbourhoods, by avoiding the severe community disruption that would be required of previously considered project alternatives, by providing traffic congestion relief on both a regional and local scale, and by providing an emergency evacuation route.

For detailed discussion of the effects of FTC-S on regional and local access, see Consistency Review for Section **30210.**

Comment and Analysis

The City of San Clemente and its environs is a popular visitor destination for coastal recreational uses, including San Clemente State Beach and SOSB, as well as downtown San Clemente with its visitor-serving shops and restaurants. I-5 is the only roadway that provides transportation continuity in San Clemente, and it is used heavily for both regional and local traffic on weekdays and weekends. As described below, FTC-S

provides significant future congestion relief for the residents of San Clemente, and, therefore, protects the long-term viability of traffic-impacted coastal neighborhoods.

FTC-S will significantly reduce I-5 traffic congestion and cut rush-hour commute times on I-5. If nothing is done, future traffic on I-5 at the Orange/San Diego County line is expected to increase by 60 percent, leading to weekend I-5 traffic that would rival the current level of weekday traffic on SR-91.

Under a No Action Alternative, 15.9 percent of the daily traffic on I-5 between the County line and the El Toro "Y" will experience congestion in 2025. Traffic south of Avenida Pico in San Clemente will be congested eight hours per day (four hours in the morning and four hours in the evening). Evening peak-hour traffic through San Juan Capistrano will be congested three or more hours between Ortega Highway and Camino Estrella. Therefore, with the No Action Alternative, future traffic on I-5 and arterial streets will reach unacceptable levels or there will be a need to widen these facilities substantially with resulting impacts to existing development, including uses in the coastal zone.

Additional means of accessing coastal recreational areas are required. As discussed in the Public Access, Recreation, Public Infrastructure, and Transit sections above (Sections 3.1 and 3.4), the SR-241 Extension provides significant recreational access capacity in an area physically removed from existing oceanfront communities in central Orange County and allows for recreational access from major inland population centers without the need for use of Pacific Coast Highway (PCH or Highway 1).

FTC-S will improve access to the coast and coastal resources without increasing traffic on Highway 1 (PCH) or other local coastal access routes. The SR-241 Extension would provide a transportation alternative for San Clemente residents under typical traffic conditions and in the event of an emergency, an accident that results in closure of I-5, or a catastrophe that necessitates an evacuation.

Public Resources Code §30254: *New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.*

Summary. FTC-S is consistent with this goal because no expansion to State Highway Route 1 is proposed, no special districts are proposed, new development is not induced by the project, and public services are provided by the project to coastal areas. Additionally,

FTC-S provides essential public services vital to the economic health the region, state, and nation.

Comment and Analysis

Essential Public Service. FTC-S has been identified in the Orange County MPAH since 1981 as a necessary and appropriate transportation facility required to serve South Orange County. SR-241 is defined in the California Streets and Highways Code, Section 541, as extending "from Route 5 south of San Clemente to Route 91 in the City of Anaheim." FTC-S serves a built-out coastal area with existing development. FTC-S has been reduced from the originally planned eight-lane ultimate facility to a maximum of six lanes in order to limit the facility to only that which is required to accommodate future traffic demands generated by development and uses consistent with approved General Plans.

The No Project Alternative would fail to meet the requirement of Section 30254. In addressing Section 30254 (requiring that new public works facilities be designed to accommodate needs generated by development or uses permitted consistent with the provisions of the CCA), it is also necessary to understand the implications of not constructing the SR-241 Extension. As explained in the Final SEIR, the completion of SR-241 will result in substantial congestion relief and increased mobility in south Orange County. Most notably, I-5 in south Orange County (between El Toro Road and the County line) will realize considerable traffic benefits from construction of FTC-S. With implementation of FTC-S, the deficient segments are reduced to only three segments in the a.m. and three segments in the p.m. peak periods. Traffic forecasts for 2025 indicate that if the No Action Alternative is adopted, there will be 10 deficient segments in the a.m. and 10 deficient segments in the p.m. peak-hour periods along this segment of I 5.

Another benefit of the Proposed Project is that the I 5 freeway segments that function at deficient LOS will remain that way for a much shorter period of time when compared to the No Action Alternative. For example, in 2025 under the No Action Alternative, four sections of I 5 between Ortega Highway and Camino Estrella are forecast to experience more than four hours of LOS F congestion in the p.m. With construction of the Proposed Project, only one of those segments (between Ortega Highway and Camino Capistrano) will be deficient, and the duration of congestion is reduced from more than four hours to two hours or less.

Traffic relief on the local arterials will also be achieved with implementation of the Proposed Project. In 2025 under the No Action Alternative, it is forecasted that 13 arterial intersections would be considered deficient during a.m. and p.m. peak hours. With the Proposed Project, the number of deficient intersections is reduced from 13 to 4 in the a.m. and from 13 to 6 in the p.m. peak hours. The No Action Alternative would represent a failure to provide the public works facilities needed to accommodate the future needs consistent with approved plans.

Forecasts for 2025 indicate that traffic congestion on I-5 and local arterials in south Orange County will increase significantly from present levels. Implementation of the Proposed Project will result in considerable beneficial impacts that will reduce the anticipated traffic congestion, including congestion on roadways in the coastal zone and in coastal communities.

Other alternatives such as the widening of arterial streets (AIO Alternative) or the I-5 Widening Alternative (both were evaluated in the EIS/SEIR) would result in substantially greater impacts to existing communities. For example, the AIO Alternative would result in the removal of 263 homes and the I-5 Alternative would result in the removal of 838 homes. The AIO Alternative would result in minimal congestion relief on I 5. Both alternatives would result in substantially greater impacts to wetlands than the Proposed Project.

Consequently, the failure to approve FTC-S would result in impacts contrary to Sections **30001.5**, **30210**, **31212**, **30212.5**, **30213**, **30223**, **30240**, **30253.5**, and **30254** of the Coastal Act, either as a result of failing to provide for adequate transportation system access to coastal and upland support recreational areas or as a consequence of impelling the widening of I-5 and/or arterial streets in a manner resulting in significant impacts both to coastal communities and to wetlands resources.

Public Resources Code §30254.5: *Notwithstanding any other provision of law, the commission may not impose any term or condition on the development of any sewage treatment plant, which is applicable to any future development that the commission finds, can be accommodated by that plant consistent with this division. Nothing in this section modifies the provisions and requirements of Sections 30254 and 30412.*

Not Applicable. This policy is not applicable to the consistency review of FTC-S as no sewage treatment plan is proposed as part of the project.

Public Resources Code §30255: *Coastal-dependent developments shall have priority over other development on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.*

Not Applicable. This policy is not applicable to the consistency review of FTC-S as no coastal-dependent developments are proposed or precluded by FTC-S.

F. Consistency with Coastal Act Article 6 – Industrial Development

Not Applicable. Coastal Act Sections 30260 through 30262.6(c) are not applicable to the consistency review for FTC-S, as FTC-S does not include or preclude industrial development.

G. Conflict Between Coastal Act Policies

Section **30007.5** of the Coastal Act sets forth the standards applicable to resolving conflicts between Coastal Act policies. Section **30007.5** provides:

> *The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner, which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.*

Conflict. In order for this conflict resolution provision to apply, it must be established that a substantial conflict between two statutory directives contained in Chapter 3 of the Coastal Act exists, and that, on balance, construction of the project would result in a greater level of consistency with the Coastal Act, and a greater benefit to coastal resources, than existing conditions.

Wetland impacts have been avoided to the extent feasible, and full mitigation is proposed, but 0.451 acre of wetland subject to CCC jurisdiction will be permanently impacted by the construction of FTC-S. As discussed in the Consistency Review for Section **30233(a)**, FTC-S, a small portion of which will be constructed in the coastal zone, qualifies as an incidental public service under Section **30233(a)(5)** of the Coastal Act, is the least-environmentally damaging feasible alternative, and appropriate and adequate mitigation has been proposed for all unavoidable impacts.

Further, as previously discussed in the Consistency Review for Section **30240**, while FTC-S would be located within occupied coastal sage scrub/gnatcatcher habitat, it is nonetheless consistent with Section **30240** because, due to CSS and gnatcatcher conservation programs within the NCCP/HCP which address FTC-S, the Project will not significantly disrupt habitat values and will produce a net benefit a net benefit to ESHA within the region.

However, if the Commission were to determine that FTC-S is not an allowable use under Section **30233** and **30240** the coastal zone portion of the Project would be inconsistent with the wetland protection and ESHA policies of the Coastal Act. To deny the FTC-S project based on inconsistency with Sections **30233** and **30240(a)** would result in significant adverse impacts to coastal resources. Denial of FTC-S would result in significant adverse water quality impacts, inconsistent with water quality protection policy in Section **30231** of the Coastal Act, which requires the maintenance and restoration of coastal waters. Further, it would result in significant adverse impacts inconsistent with the public access policies in Sections **30210-30214** of the Coastal Act, which require maximizing public access and recreational opportunities, as well as the public safety policy in Section **30253,** which requires that new development minimizes

risks to life and property in areas of high geologic, flood, and fire hazard**.** As discussed below, approval of FTC-S would provide significant benefits to coastal resources by greatly improving water quality, public access and public safety that afford, on balance, a greater level of consistency with the Coastal Act than existing conditions.

Significant Improvement of Water Quality. A major component of FTC-S is to significantly improve water quality. Because Caltrans currently is not providing any treatment of runoff on I-5 in the area, the project includes extended detention basins that will treat runoff for a segment of I-5, thus providing water quality benefits. The Final EIR, Section 2.2, subsection 2.2.3.4.3 (Benefits of the Preferred Alternative) explains as follows:

> *I-5 currently has no water runoff treatment system in the vicinity of Trestles beach. With each storm event, untreated water from the I-5 freeway runs directly into the creeks and ocean, potentially polluting Trestles Beach. TCA will install treatment systems meeting Regional Water Quality Control Board standards on the new roadway and an approximately two-mile portion of I-5 north and south of the connection to [FTC-S]. [FTC-S] would construct extended detention facilities to treat the runoff from this existing portion of I-5 as well as the new connector roadways from the project. Based on engineers' calculations, nearly one million gallons of runoff per design water quality storm event, (those storms with about 0.6-inch of rain) would receive treatment with the project. Over the past two years of record, about five design water quality events have occurred annually.* ***Using this estimate, the project would treat five million gallons of water each year that currently flows untreated into San Onofre and San Mateo Creeks.***

If inconsistencies with Sections **30233** or **30240** were to prevent FTC-S from proceeding, existing water quality impacts from pollutants and sediments would not be reduced, and would continue to result in adverse impacts to coastal waters, inconsistent with Section **30231** of the Coastal Act. The extended detention units will only be installed in conjunction with construction of FTC-S; neither TCA nor Caltrans is otherwise legally required to install them. As discussed previously, there is no feasible alternative alignment that would avoid the 0.451 acre of impact to coastal zone wetlands or impacts to ESHA other than the "no project" alternative. A "no project" alternative is not feasible because it does not meet the project need.

Significant Improvement of Coastal Public Access. Public access benefits of the Project are explained in the Consistency Response for Article 2 policies above, incorporated herein by reference. Without FTC-S, the Coastal Act's goals of maximizing public access to and recreational opportunities along the coast "for all the people" will not be met. Traffic congestion and the absence of adequate direct access from inland areas constitutes a significant constraint on public access to the shoreline and coastal recreational uses in southern Orange County and northern San Diego County.

FTC-S reduces existing and future traffic congestion on I-5 in the project area, alleviates traffic congestion on local roadways in the project area, provides increased access for

inland populations to coastal areas, protects in place existing recreational trails and pedestrian access ways during project construction, and provides new sidewalks as part of some project components.

FTC-S will maintain current levels of capacity to alleviate existing congestion. The continued development of residential, commercial and industrial uses in south Orange County and throughout the rest of the County has resulted in continuing traffic congestion in both weekday and weekend conditions so that major travel routes, specifically I-5 as it travels through south Orange County, experience very poor levels of service during these periods. Under existing conditions, roadway deficiencies occur at three segments of I-5, 12 freeway/tollway ramps (nine I-5 ramps and three SR-241 ramps) and 10 intersections (six arterial-to-arterial and four arterial-to-freeway/tollway ramps). Additionally, a number of intersections on area roads are currently deficient including the intersection if I-5 and Oso Parkway, I-5 and Crown Valley Parkway, I-5 and Ortega Highway, I-5 and Avenida Pico, Crown Valley Parkway and Marguerite Parkway, and Ortega Highway and Antonio Parkway(Final SEIR, Section 3).

Access to and along this portion of the coast is currently restricted because of severe traffic congestion on I-5. In this area, I-5 is the only north-south route and thus is the only regional facility available to handle inter-regional, local and recreational travel. Access to the coast is particularly restricted during peak recreational periods such as weekends and holidays. Traffic on I-5 on weekends is higher than weekday traffic (Final SEIR, Chapter 3). Because of I-5 congestion, significant congestion is also occurring on local streets in San Clemente on the weekends as drivers attempt to avoid I-5 congestion. This results in additional barriers to coastal access.

If inconsistencies with Sections **30233** or **30240** were to prevent FTC-S from proceeding, traffic congestion would interfere with public access to the coastal recreational opportunities in southern Orange County and northern San Diego County, thus making it increasingly difficult for the public to get to the coast, a condition inconsistent with the access policies of the Coastal Act. As discussed previously, there is no feasible alternative alignment that would avoid the 0.46-acre of impact to coastal zone wetlands or ESHA other than the "no project" alternative. A "no project" alternative is not feasible because, without FTC-S, population and traffic growth will result in a significant loss of mobility and increased congestion and travel time (see the FEIS/SEIR at Section 2.2, subsection 2.2.3.4.3) and not meet the project need.

Significant Improvement of Public Safety. FTC-S provides several public safety benefits including the provision of an alternate major evacuation route for the San Onofre Nuclear Generating Station (SONGS). Currently, I-5 is the only major emergency evacuation route for SONGS and the only non-signalized evacuation route between SONGS and the I-405 to the north. Ortega Highway, north of SONGS, provides a route from I-5 to the east that is two lanes and non-signalized over most of its length. FTC-S would provide an additional evacuation route from I-5 immediately south of San Clemente to Ortega Highway and SR-241 north of Ortega Highway and east of I-5. Additionally, FTC-S provides a significant evacuation route for residents during a

wildfire or flooding by tsunami, provides firebreak opportunities, and increases accessibility for emergency vehicles.

If inconsistencies with Section **30233** or Section **30240** prevented FTC-S from proceeding, public safety improvements would not be realized, inconsistent with Section **30253** of the Coastal Act.

Conflict Resolution. After establishing a conflict among Coastal Act policies, Section **30007.5** requires the conflict to be resolved in a manner that is, on balance, the most protective of coastal resources. The Coastal Commission has previously approved development by balancing the wetland protection or ESHA protection policies in Sections **30233** and **30240** of the Coastal Act with the water quality protection and other key policies of the Coastal Act. See Table 6 for more recent Coastal Commission balancing decisions.

Table 6, Recent Coastal Commission Balancing Decisions

Decision	Year	Project Description	Sections Balanced
CPDM 1-98-103 (O'Neil)	1999	Construction of barn for dairy cows near stream	30233 (wetlands) and 30231 (water quality)
CDPM 9-98-127 (City of San Diego)	2000	Construction of freeway segment of SR-56	30233 (wetlands) and 30231 (water quality)
Appeal No. AS-IRC-99-301 (Irvine Community Development Co.)	2000	Mass grading and backbone infrastructure for future residential and recreational development	30233 (wetlands) and 30231 (water quality)
LCPA OXN-MAJ-1-00 (Oxnard Northshore)	2002	Site remediation, residential development, and resource protection area	30233 (wetlands) and 30231 (water quality)
CC-004-05 (North County Transit District)	2005	Construction of second railroad tracks	30233 (wetlands), 30240 (ESHA) and 30231 (water quality), 30252 (public access), and 30253 (air quality and energy conservation)
CDP No. 1-06-033 (Tilch)	2006	Replace failing onsite sewage wastewater disposal system for residence	30233 (wetlands) and 30231 (water quality)
UCSB LRDP Amendment 1-06, NOISE 1-06, and LDP No. 4-06-097	2006	Campus housing	30233 (wetlands) and 30250 (concentration of development)

In this case, the Project would result in the fill of 0.46 acre of wetlands. However, the wetland areas impacted are highly fragmented, lack connectivity, are separated by the I-5

and local roads and trails, and are scattered over approximately a two linear mile area. And range in size from .01 acre to .21 acre.

The Project will also result in the displacement of 49.75 acres of coastal sage scrub. The affected habitat is under or adjacent to FTC-S, and as the Final SEIR explains, the sensitive species have either been avoided by design or mitigation measures or, if affected, are likely to be able to adapt to the Project, as evidenced by the continued presence of CSS and sensitive species~~,~~ since completion of the I-5. The Project proposes a comprehensive Habitat Mitigation and Monitoring Program (HMMP), as part of the NCCP/HCP program, that will create and/or restore native grassland, mulefat scrub, southern willow woodland, and southern coast live oak/elderberry woodland within approximately 215.8 acres in and adjacent to Chiquita Creek, in the San Juan Creek Watershed. The HMMP will create approximately 15.9 acres of wetlands. In addition, as previously discussed~~,~~ a conservation bank was established by CDFG. USFWS, and TCA when the TCA purchased the conservation easement for Upper Chiquita Canyon from Rancho Mission Viejo, which was under substantial threat of development, to address coastal sage scrub impacts from FTC-S, including the small segment in the coastal zone. Under the initial bank agreement, 327 conservation credits were established for the preservation of existing coastal sage scrub habitat within the Conservation Area. The 327 conservation credits are to be used as mitigation for impacts to coastal sage scrub associated with FTC-S, with each conservation credit representing 1 acre of occupied coastal scrub habitat. The gnatcatchers present in the Conservation Area represent the northern portion of the gnatcatcher population in areas "integral to the overall function of the reserve for this species because they provide linkage to other populations, including Camp Pendleton. (Draft NCCP/HCP Planning Guidelines, April 2003). This mitigation meets the goal of the NCCP/HCP of replacing and protecting ESHA that will be located in areas that provide larger contiguous contributions to the overall preserve system, and will ensure that largest populations of gnatcatchers have sufficient areas of high-quality habitat for species survival. Thus, adequate on-site and off-site mitigation is provided to compensate for the ESHA and wetland losses.

On the other hand, an objection to this consistency certification would result in conditions that would be inconsistent with the water quality (Section **30231**), public access (Section **30210**-**30214**), and public safety (Section **30253**) policies of the Coastal Act. FTC-S creates a unique situation for the application of conflict resolution processes under Section **30007.5**. FTC-S has been identified as a critical transportation facility in regional planning documents since 1981, when the County of Orange placed a conceptual alignment for a transportation corridor on the Master Plan of Arterial Highways. The extensive planning background for the Project is contained in Section 1.2 of the FEIS/SEIR. The Project is also included in federal, state, and local planning programs, as set forth in Section 1.3 of the FEIS/SEIR. Additionally, within the coastal zone, several constraints including the location of Camp Pendleton, pacific pocket mouse habitat and topography limit the location of project features within this area.

FTC-S represents the completion of a critically needed segment of a highway system that has been identified in formal planning documents for decades. Only three miles of the

project alignment is located within the coastal zone, where it is required to connect with existing I-5 as close as possible to existing development. FTC-S will significantly improve water quality by treating approximately five million gallons of runoff from the I-5 each year that currently flows untreated into San Onofre and San Mateo Creeks and on to Trestles Beach. The benefits of these water quality improvements would be substantial because the reduction in contaminants will enhance the use of downstream resources by both wildlife and humans.

In addition, as part of regional transportation plans that have been developed over the course of decades, the FTC-S will complete the connection between SR-91 and I-5, thus facilitating significant new and more direct and convenient public access from inland areas to coastal recreational areas in southern Orange County and northern San Diego County, as access to and along this portion of the coast is currently restricted because of severe traffic congestion on I-5. Because of I-5 congestion, significant congestion is also occurring on local streets in San Clemente on the weekends as drivers attempt to avoid I-5 congestion. This results in additional significant barriers to coastal access.

Without construction of FTC-S, the mandate of Sections **30210** through **30214** of the Coastal Act to maximize public access to the coast will not be fully realized.

Finally, FTC-S provides several public safety benefits including the provision of an alternate major evacuation route for the San Onofre Nuclear Generating Station (SONGS) and for local area residents, the public, and coastal recreation users during a wildfire or flooding by tsunami. Further, FTC-S provides enhanced fire protection opportunities and increases accessibility for emergency vehicles.

The impacts on coastal resources from not constructing FTC-S would be more significant and adverse than the Project's ESHA and wetland impacts. Therefore, the Project is, on balance, most protective of coastal resources.

APPENDICES

APPENDIX A. GLOSSARY OF ACRONYMS

A

ac	acre, acres
ACOE	Army Corps of Engineers
AG	Mitigation Measures related to Agriculture Resources
AGC	Commitments Related to Agricultural Resources
ANSI	American National Standards Institute
AR	Mitigation Measures related to Archeological Resources
AR	Mitigation Measures related to Visual Resources
ATFP	Anti-Terrorist Force Protection
ATRMP	Arroyo Toad Resource Management Plan
AVI	Automatic Vehicle Identification
AQ	Mitigation Measures related to Air Quality

B

BMP, BMPs	Best Management Practice, Practices
BRMP	Biological Resources Management Plan

C

Caltrans	California Department of Transportation
CCA	California Coastal Act
CCC	California Coastal Commission
CCMP	California Coastal Management Plan
CDFG	California Department of Fish and Game
CDPR	California Department of Parks and Recreation
CE/CE	Categorical Exemption/Categorical Exclusion
CEQ	Council on Environmental Quality
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
cfs	cubic feet per second
CIDH	cast-in-drilled hole
CIP/PS	cast-in-place pre-stressed
CISS	Cast-In-Steel-Shell
Collaborative	The SOCTIIP Collaborative
ARB	Air Resources Board
CSS	Coastal Sage Scrub
cy	cubic yard, cubic yards

D

dBA	A-weighted decibel
DL	Disturbance Limit
DLL	Disturbance Limit Line
DOD	United States Department of Defense
DON	Department of the Navy
DOT	United States Department of Transportation
DTSC	California Department of Toxic Substances Control

E

EA	Environmental Assessment
EDL	Extended Detention Basins
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EPA	United States Environmental Protection Agency
ESHA	Environmentally Sensitive Habitat Area

F

FESA	Federal Endangered Species Act
F/ETCA TCA	Foothill/Eastern Transportation Corridor Agency
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
FTC	Foothill Transportation Corridor
FTC-N	Foothill Transportation Corridor – North
FTC-S	Foothill Transportation Corridor – South
Fwy	Freeway
FY	Fiscal Year

G

G	Mitigation Measures related to Earth Resources

H

ha	hectare, hectares
HM	Mitigation Measures related to Hazardous Materials and Waste Sites
HR	Mitigation Measures related to Historic Resources
HOV	High Occupancy Vehicle
HMMP	Habitat Mitigation and Monitoring Plan

I

I-5	Interstate 5
I-405	Interstate 405
INRMP	Integrated Natural Resources Management Plan
IS	Initial Study
IS/EA	Initial Study/Environmental Assessment
IWMD	Integrated Waste Management Department

K

km	kilometer
kV	Kilovolt

L

LCP	Local Coastal Program
LEDPA	Least Environmentally Damaging Practicable Alternative
LOS	Level of Service
LRT	Light Rail Transit
LRTP	Long Range Transportation Plan
LU	Mitigation Measures related to Land Use

M

m	Meter, meters
M	Major Arterial
MCB	Marine Corps Base
M	Mitigation Measures related to Military Uses
mi	mile, miles
MOU	Memorandum of Understanding
MPAH	Master Plan of Arterial Highways
MPO	Metropolitan Planning Organization
MSE	Mechanically Stabilized Earth
MSL	Mean Sea Level

N

N	Mitigation Measures related to Noise
N/A	Not Applicable
NB	Northbound
NC	Commitments Related to Long Term Noise Impacts
NCCP/HCP	Natural Communities Conservation Plan/Habitat Conservation Plan
NCTD	North County Transit District
NEPA	National Environmental Policy Act
NES	Natural Environmental Study Technical Report
NMFS	National Marine Fisheries Service

O

OCP-2000	Orange County Projections – 2000
OCFA	Orange County Fire Authority
OCTA	Orange County Transportation Authority
OPH	Old Pacific Highway
OSHA	National Occupational Safety and Health Administrations

P

P	Mitigation Measures related to Paleontological Resources
PCH	Pacific Coast Highway
Pkwy	Parkway
PMM	Pacific Pocket Mouse
PS	Mitigation Measures related to Public Services
PSR	Project Study Report

R

R	Mitigation Measures related to Pedestrian and Bicycle Facilities
RCFPP	San Clemente Regional Circulation Financing and Phasing Program
RECP	Rolled Erosion Control Products
RW	Retaining Wall
RMV	Rancho Mission Viejo
RMP	Runoff Management Plan
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board

S

SAMP	Special Area Management Plan
SANDAG	San Diego Association of Governments
SCAQMD	South Coast Air Quality Management District
SB	southbound
SCE	Southern California Edison
SDG&E	San Diego Gas & Electric
SE	Mitigation Measures related to Socioeconomics
SEIR	Subsequent Environmental Impact Report
sf	Square feet
SHPO	State Historic Preservation Officer
SLEP	Service Life Extension Program
sm	square meters
SOCTIIP	South Orange County Transportation Infrastructure Improvement Project
SONGS	San Onofre Nuclear Generating Station
SOSB	San Onofre State Beach
SR	State Route
SW	Sound Wall
SWMP	Storm Water Management Plan
SWPPP	Storm Water Pollution Prevention Plan

T

TCA	Transportation Corridor Agency, Agencies
TE	Mitigation Measures related to Threatened and Endangered Species
TSM	Transportation Systems Management

U

U	Mitigation Measures related to Utilities
USAF	United States Air Force
USFWS	United States Fish and Wildlife Service
USMC	Unites States Marine Corps
USN	United States Navy
USACOE/Corps	US Army Corps of Engineers

V

VIA	Visual Impact Assessment

W

WQ	Mitigation Measures related to Floodplains, Waterways and Hydrologics
WV	Mitigation Measures related to Wildlife, Fisheries, and Vegetation
WW	Mitigation Measures related to Wetlands and Waters of the US

ACRONYMS FOR THE BUILD ALTERNATIVES

There are a number of build alternatives considered for the South Orange County Transportation Infrastructure Improvement Project. The acronyms for the build alternatives are listed below.

FEC	Far East Corridor
FEC-TV	Far East Corridor - Talega Variation
FEC-CV	Far East Corridor - Cristianitos Variation
FEC-AFV	Far East Corridor - Agricultural Fields Variation
FEC-OHV	Far East Corridor - Ortega Highway Variation
FEC-APV	Far East Corridor - Avenida Pico Variation
FEC-W	Far East Corridor-West
FEC-M	Far East Corridor -Modified
A7C-FEC-M	Alignment 7 Corridor - Far East Crossover - Modified Initial
CC	Central Corridor - Complete
CC-ALPV	Central Corridor - Avenida La Pata Variation –
CC-OHV	Central Corridor - Ortega Highway Variation
A7C	Alignment 7 Corridor - Complete
A7C-7SV	Alignment 7 Corridor - 7 Swing Variation
A7C-FECV	Alignment 7 Corridor - Far East Crossover Variation
A7C-OHV	Alignment 7 Corridor - Ortega Highway Variation
A7C-ALPV	Alignment 7 Corridor - Avenida La Pata
A7C-FECV-C	Alignment 7 Corridor-Far East Crossover (Cristianitos) Variation
A7C-FECV-AF	Alignment 7 Corridor-Far East Crossover (Agricultural Fields)
AIO	Arterial Improvements Only Alternative
I-5 Widening	I-5 Widening Alternative
OCP-2000	No Action Alternative-Orange County Projections - 2000

MEASUREMENTS

The measurement units in this report are expressed in English units. For ease of translation, the following conversions are included to allow the reader to better understand the measurements in the report.

English/Metric Conversion
AREA
1 square foot = 0.093 square meters 1 acre = 0.405 hectares, 4,047 square meters 1 square mile (640 acres) = 2.59 square kilometers
LENGTH
1 inch = 2.54 centimeters
1 foot = 30.480 centimeter or 0.305 meter
1 yard = 0.914 meter
1 mile = 1.609 kilometers

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